California Journal

The Monthly Analysis of State Government and Politics

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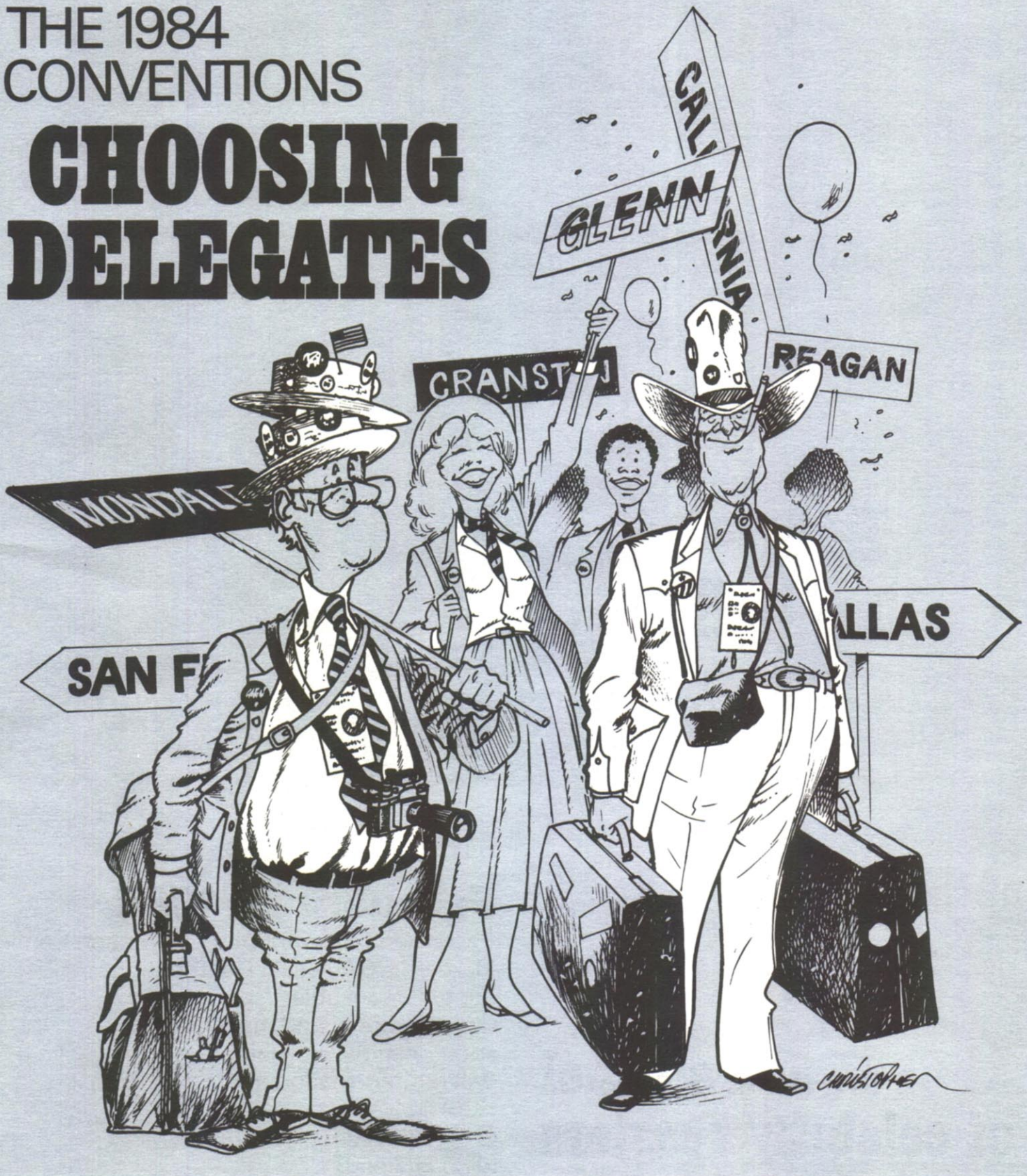

Jerry Brown and the ALRB

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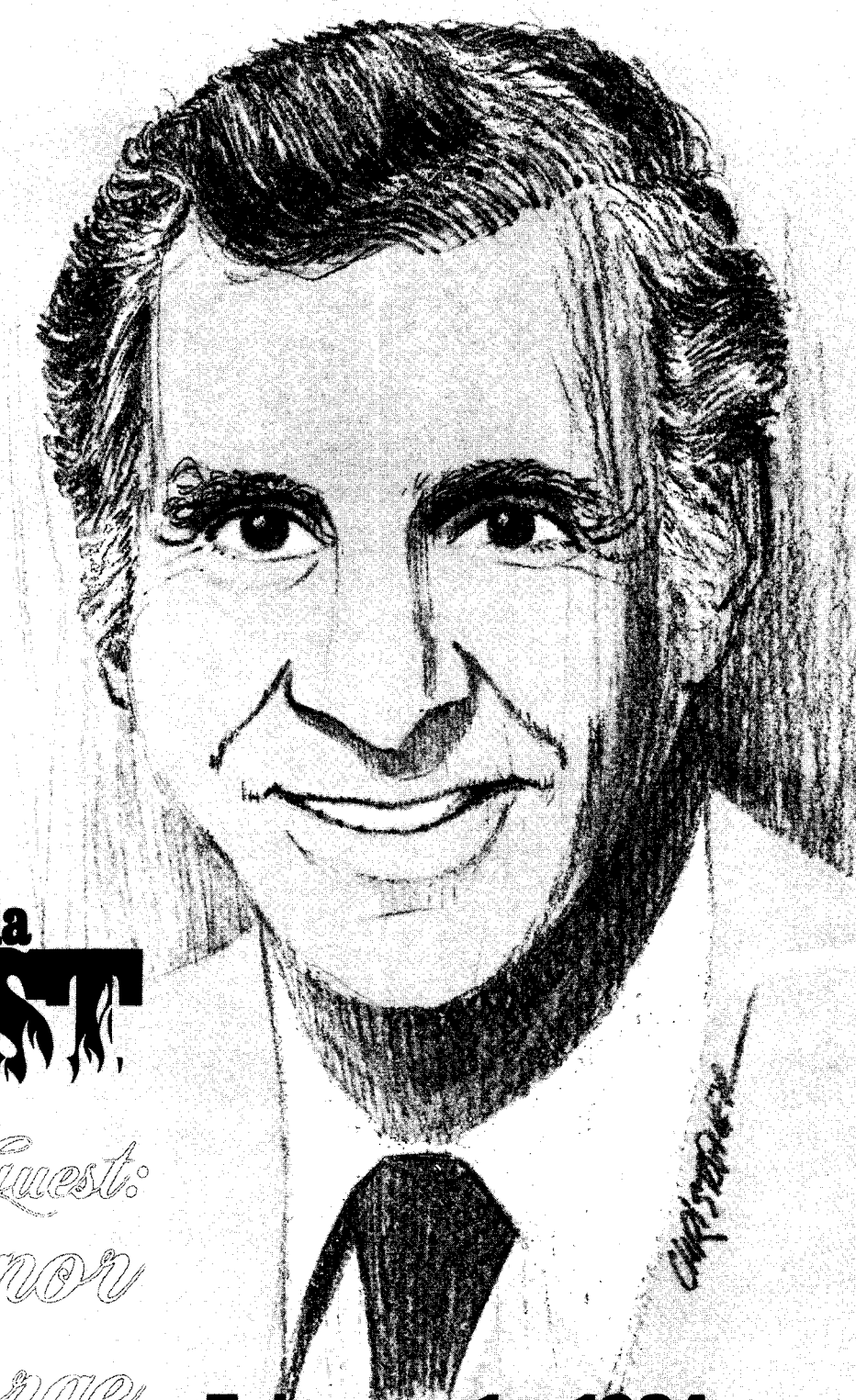

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California Journal

The Monthly Analysis of State Government and Politics

Volume XIV, Number 12 **December 1983**

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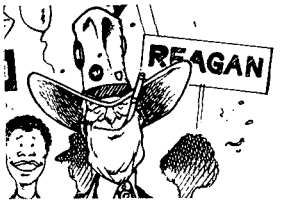

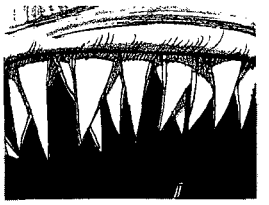
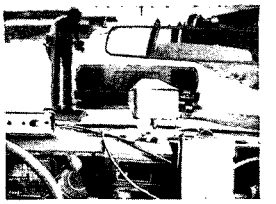

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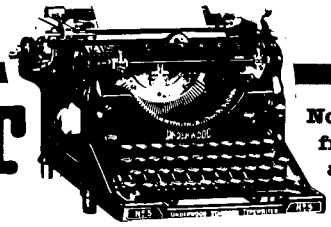
UP FRONT



Notes and Items from Contributors and the Journal Staff.

State Treasurer Jess Unruh made it to the front page of *The Wall Street Journal* October 18th in a story about the big campaign contributions given by banks and securities companies to the public officials who control the marketing of local government bonds. *The Journal*, quoting an unnamed executive with a major bank, said, "Jesse is utterly direct about the importance of contributions — you come with one or you forget about the business." Unruh, the paper continued, dismissed the assertion, noting that one bond contract went to a firm that had made no contribution. However, Unruh repeated his frequent assertion that there's nothing wrong with taking money from those who do business directly with the Treasurer's office so long as he maintains a non-discrimination policy. According to *The Journal*, he explained: "What we try to do here is try to push everybody into the same corral — we try to get reasonably the same amount from everybody."

George Deukmejian is considering a backup plan to keep Mike Franchetti as director of finance in case the Senate refuses to confirm him. The governor would simply move Franchetti to his personal staff, give him some kind of title as a consultant and let him run the Finance Department from there. The problem is that other appointees — not so close to Deukmejian as Franchetti — have been denied or may be denied Senate confirmation as well. Should they be offered staff positions too? And are there enough chairs in the governor's office for everyone who would have to attend a cabinet meeting?

The *Journal* takes partial credit for easing the state's fiscal crisis. In our September 1983 "New in Print" feature, we quoted the price of the new State of California Telephone Directory at $4.24. The actual price is only $3.65, but the extra 59 cents must have helped state fortunes considerably. Last month, Finance Director Michael Franchetti projected a $1 billion surplus in the state treasury for next year.

The November issue of *California* magazine carried a blurb about state Senator H.L. Richardson of Arcadia, one of the Legislature's most partisan Republicans. But along with the story, they ran a photo of Assemblyman Richard Robinson of Orange County, one of the Legislature's most partisan Democrats. Richardson probably would've been happier about the mix-up had the magazine mistook him for another subject on the same page — *Magnum, P.I.* star Tom Selleck.

ROBINSON

RICHARDSON

Is the Deukmejian administration planning to lower water-quality standards in the Sacramento-San Joaquin delta? Those standards are important because the higher they are, the less water can be siphoned off to feed the State Water Plan and the federal Central Valley Project. Currently, standards are set by the Water Resources Control Board — an agency still dominated by Jerry Brown appointees. But the board's authority rests on its role as an overseer of water quality and water rights. Some say that if its functions are split, the standards might be invalidated. So, why do the governor's people keep hinting that the board should be split and its water rights role be given to a separate agency?

Robert M. Stern, a founding father of the Fair Political Practices Commission, has left the commission to become general counsel for a non-profit organization that is studying California campaign financing. Stern helped write the Political Reform Act, which created the commission and which was approved by voters as Proposition 9 in 1974. He has been the commisson's chief attorney since January 7, 1975. His new employer is the Center for Responsive Government of west Los Angeles. Stern will help prepare its report, due next year, on what's wrong with campaign financing and what can be done about it.

We haven't seen a better lead paragra on a Sacramento news story in man year. Written by Rick Paddock of *The Angeles Times* Sacramento bureau concerned Richard T. Hanna, the forr Orange County assemblyman who v convicted of conspiracy during the reagate scandals, and it said; "Meet Capitol's newest lobbyist — he ser three terms in the Assembly, six ter in Congress and one term in fede prison." *Times* bureau chief Bill Endic gave the youthful Paddock the high compliment he could think of. "You peaked," he said.

Poor Jim Nielsen. We've got him m ing all over the map. In last month's p file of the Senate's new GOP leader, reported that to stay in the Senate a his term expires in 1986, Nielsen m either move from his Yolo County ho or run in the Sixth District. But to ru the Sixth, he'd have to move to Sac mento. Actually, should he decide no move, he would have to run in the F District (against fellow GOP Senator J Doolittle) — and not in 1986, but n year.

Al Rodda, who represented Sac mento in the California Senate from 1 to 1980, has proven that age is no de

ent to those with an itch for public s vice. Three years after his defeat by Senator John Doolittle, the 71-year Democrat won a seat on the Los R school board. Rodda was the only sch board candidate in Sacramento Count oust an incumbent in this Novemb election.

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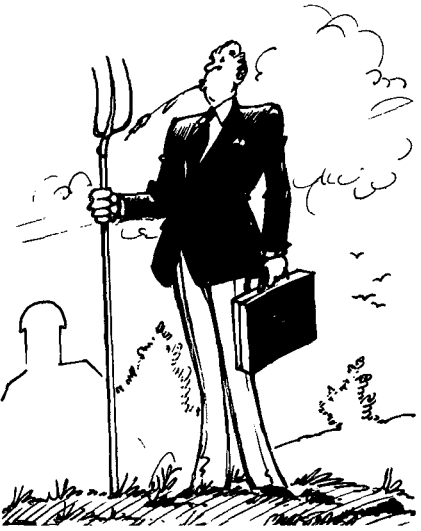

Although four out of five Californians ive in cities and suburbs, more than a hird of the state's 120 lawmakers belong o either the Senate or Assembly rural aucus. Representing an area that is nostly urban yet joining a rural caucus s the best of both worlds for a legislator: City-dwellers vote in bunches, and while otton doesn't vote, cotton farmers make ampaign contributions.

(Gerald H. Meral, Sacramento)

The feud between Bill Bennett, chairman of the Equalization Board, and board member Conway Collis is growing ever more intense. When Bennett received a press query about Collis' money raising activities for Senator Alan Cranston, the chairman declined to maintain the politician's usual discreet silence. "An embarrassment," Bennett said. Collis, a former aide to Cranston, was raising money from people who could someday have business before the board. "In a popularity contest between him and Pontius Pilate," Bennett continued, "Pilate would win."

Bennett also opposed Collis' call for an investigation of San Francisco Assessor Sam Duca's operation and was probably not surprised when the Equalization Board later found itself evicted from a hearing room in San Francisco's City Hall. The room had been reserved months ago for November 16th but suddenly became unavailable. The hearing was conducted nonetheless — in an administration building at the south end of Golden Gate Bridge.

Former legislative staffers Jud Clark and Bill Hauck have come a long way with what used to be a modest legislative bill-watching service. Founded in 1969 by Clark as "California Research," the firm is now called "Public Affairs Information" and runs a computer network that covers bills introduced in 50 states and the Congress, along with regulatory information as well. What makes all this worth mentioning is that they announced last month that megabuck conglomerate Control Data Corporation has bought 25 percent of their business, giving them a bundle of money for more expansion. Two of Clark's early partners were also former legislative staffers, Tom Hoeber and Vic Fazio. Hoeber left to continue as publisher of this magazine, and Fazio went to Congress. And both thought they were doing the right thing.

Leonard Kreidt will retire January 1st after 21 years as a communication specialist with the California Teachers Association in Sacramento. The 62-year-old Kreidt, a former political writer for the *Pasadena Star-News*, plans to do part-time consulting and some freelance writing, as well as get in a daily golf game and occasional fishing trip. Asked whether his writing plans include a piece of fiction now-and-then, Kreidt said, "As a p.r. man, I've done enough of that already."

Josiah (Joe) Beeman didn't expect to be very popular once he took over last April as director of the 1984 Democratic National Convention in San Francisco (see "Up Front," *CJ*, October 1983). But he probably didn't expect things to come to a head quite so fast. After less than eight months on the job, Beeman quit in a dispute with Rosalind Wyman, the former Los Angeles councilwoman who chairs the convention committee. Wyman took over Beeman's duties after he left in October. For his part, Beeman now plans to open a lobbying and political consulting firm in Sacramento with an attorney close to Governor George Deukmejian. Come January, the two will set up shop across the street from the state Capitol in the Hotel Senator Building.

(Martin Salditch, Washington)

The Capitol press corps may be feeling the bite of wanderlust again. Having been evicted from the state Capitol in 1975 when the Capitol restoration project began, the corps moved *en masse* into the Ellis Building across the street. But talk of moving has arisen periodically ever since, and *The Los Angeles Times* actually departed for more spacious quarters about a year and a half ago. So now, with leases expiring next summer, the remaining 22 news organizations are looking for a better deal. Rich Zieger of the *Riverside Press-Enterprise*, the press corps' one-man housing committee, sees problems in deciding things like who gets next to whom and who gets a window. "Working out the details is like doing a reapportionment plan," he says.

The Assembly Agriculture Committee, chaired by Plymouth Democrat Norman Waters, was to hold a hearing in late November on "Pest Exclusion Plans for the 1984 Summer Olympic Games." Perhaps Waters' committee should get together with Republican state Senator John Doolittle who's trying to keep out the Russians.

Seems we chafed an ethnic nerve in this section last month by chiding the UC-Berkeley public information office for using the word "Pilipino" to refer to Philippine students. Webster's Dictionary, we noted, defines "Pilipino" as the language spoken by a "Filipino." But Ray Colvig, UC public information officer, says "Pilipino" is the preferred term, at least among non-colonialists. The reason is that the *f* sound was imposed on Tagalog, the native tongue of the Philippines, by 16th Century Spanish explorers who named the islands for Prince (later King) Philip of Spain. Tagalog has *p*s but no *f*s.

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front," so rush your items to Up Front, 1714 Capitol Avenue, Sacramento 95814.*

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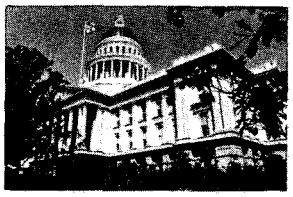

Capitol review

November 11th, 1983

The Gann initiative has qualified for the June ballot, guaranteeing much glowering and gnashing of teeth around the Capitol for the next several months. No one knows whether it will remain on the ballot (the Supreme Court could remove it) and be approved. But if it does become law, its effects should be a lot less cataclysmic than the rhetoric will proclaim. To a large extent, the fight is over who gets how much legislative staff, office space, committee chairmanships and other such necessities of life on the legislative front.

To help sell the measure to the public, its Republican backers have included a provison to cut the Legislature's own budget by about 30 percent. But while that would cause immediate pain to Democrats (not to mention their staffs), artful bookkeeping by lawmakers in the future could restore much of the money. In the same vein, though, the initiative would require lawmakers to do a better job of telling the public what they do with the money they get.

Secretary of State March Fong Eu announced the qualification November 7th. For Paul Gann, it was number four in a series that began with his co-authorship of Proposition 13 in 1978. In 1979, he led the successful effort to place a spending limit in the state constitution and last year he helped enact Proposition 8, the so called "Victims' Bill of Rights." His only defeat so far came in 1980 when, as the Republican nominee, he ran against Alan Cranston for the U.S. Senate.

However, in this case, the 71-year-old Gann is at best a partner with the Assembly's Republican minority, the group that put up much of the money to get the initiative campaign started. In fact, he probably could do no more than be a helper if he wished. Having undergone extensive heart surgery last year, he has just returned to the hospital for new treatments.

Key provisions

Aside from the 30 percent cut in legislative spending, the measure's key provisions would give the Legislature's minority party — whether Democrats or Republicans — a guaranteed minimum of staff, office space, chairmanships and the rest. Additionally, it would harden rules on legislative procedure, making it more difficult for a majority to bypass some parliamentary obstacle and speedily enact a new law.

The measure says none of this, of course. However, those are the consequences of what it does say: that the Assembly is to be governed by a seven-member Rules Committee, as the Senate is now governed by a Rules Committee of five; that the minority party be guaranteed three seats and two seats on each committee respectively; and that any attempt to reduce the minority party's minimum share of staff etc. be approved by a two-thirds vote in the appropriate Rules committee.

Since legislative arithmetic deems that two-thirds of seven is five and two-thirds of five is four, the result is that Democrats on either Rules Committee must have at least one Republican vote to deny the GOP its minimum share of the necessities. And what is the minimum share? Under the Gann measure, the legislative resources are to be divided in proportion to party representation. For example, if the Assembly, with its 48 Democrats and 32 Republicans, were to spend $100 million on staff, Democrats would get 60 percent (48 divided by 80) and Republicans would get 40 percent (32 divided by 80). For the rest, the Rules committee in each house would behave much as before, making bill assignments and taking other actions by the usual majority vote.

Concerning the hardening of legislative rules, the initiative would require a two-thirds vote instead of a simple majority for passage of procedural rules in each house. More importantly, it would make it more difficult to break those rules later, as the majority sometimes does to speedily enact some controversial — though perhaps needed — measure.

Fight over resources

But the big fight centers on the division of legislative resources and who should get what. At the moment, it's impossible to say how they are being split between the parties. The legislative books aren't kept that way, and any attempt would involve a battle over definitions. Democrats, for instance, would argue that committee consultants are non-partisan; Republicans would contend that they are tools of the Democratic leadership. But one fact is clear: Republicans want more.

Critics of the initiative contend that it would disastrously fragment legislative authority, giving excessive power to the minority party. And clearly, power would be fragmented, particularly in the Assembly where much of the proposed Rules Committee authority over staff allocations and committee assignments is now held personally by the speaker.

Incumbent Speaker Willie Brown is dead-set against the measure, of course, but he himself began fragmenting authority in 1980 when he cut his deal with Republicans to get the Speaker's job. In return for GOP votes in the speakership election, he gave up the speaker's power to decide which bills will be heard in which committees, a decision that can determine a measure's fate. That power is now held by Assembly Rules.

Under the Gann initiative, the speaker would become chairman of the new and more powerful Rules Committee, sharing power with its other three Democratic members. Given Brown's political skills and charisma, the change might barely cramp his style. Whether future speakers would manage as well is something else again. The big loser under Gann could be combative Lou Papan, the current chairman of Rules. If the speaker moves over, Democrat Papan — who relishes his role as dispenser of office space and allocator of parking slots in the Capitol garage — would be out.

Indeed, the Gann supporters might have been thinking more of Papan than they were of Brown when they declared in their statement of purpose: "No single member of the Legislature should be given extraordinary power . . . to punish other members for the good faith exercise of their free will and judgement on behalf of their constituents."

Robert Fairbanks

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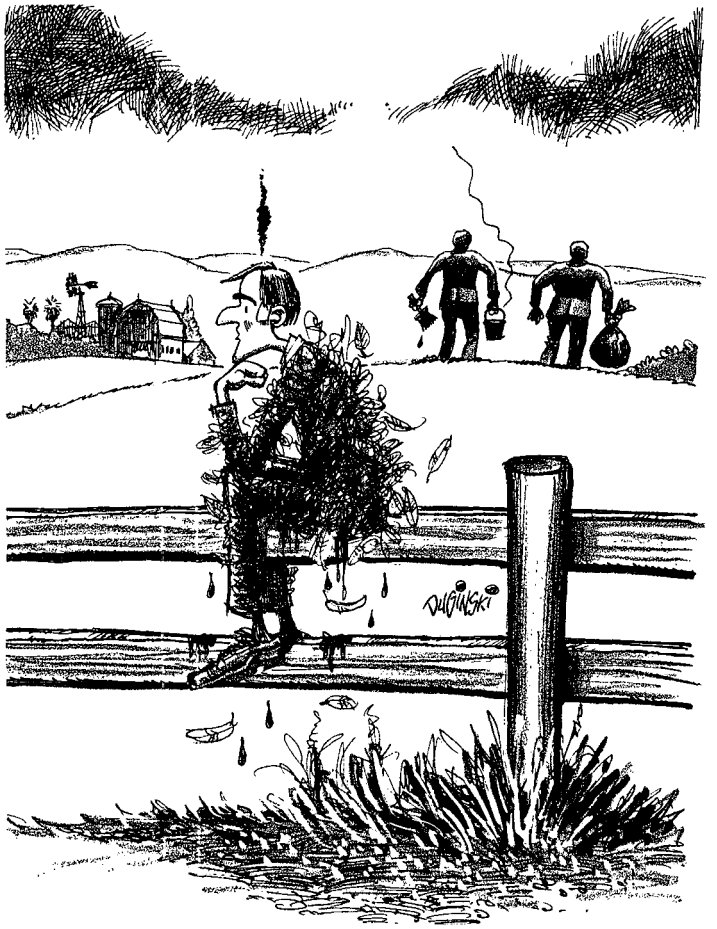
Inept leadership caused turbulent past, troubled future



By VIC POLLARD

It used to be that conservatives generally and agribusiness in particular were the harshest critics of former Governor Edmund G. Brown, Jr., and his special creation, California's Agricultural Labor Relations Board. But now some of Brown's former associates are adding criticism as well, saying that Brown's inept — if not downright biased — leadership during the board's early years generated much of the strife that has engulfed the agency to this day.

Republican Governor George Deukmejian also blames Brown, of course, saying that his Democratic predecessor was indeed biased in favor of Cesar Chavez and the farm workers' union. However, critics contend that Deukmejian's promises to bring "balance" to the board actually mask a plan to bring it under the thumb of the grower interests that contributed nearly $1 million to his gubernational campaign.

In any case, Tom Houston was a member of Brown's staff in 1975 when the former governor brought farm workers and growers together for the negotiations that led to passage of the new law. Essentially, the law was to establish an orderly process for settling the sometimes violent disputes that erupted around Chavez' efforts to win recognition for his union.

Now an attorney in private practice, Houston conducted many of the farm worker-grower negotiations prior to passage of the law. In 1979 Brown appointed Houston to a four-year term as chairman of the Fair Political Practices Commission. Relations between the two men chilled considerably in 1981 when the commission issued a scathing report on "Computergate," a short-lived scandal within the governor's office.

"When the law was passed, it was based on a very delicate compromise worked out between Governor Brown, the UFW and major segments of the grower community," Houston explains. Its success depended on two major commitments by Brown which were made verbally but never written into the law, both of which, he says, were eventually broken.

A prejudiced board

One was the appointment of a board which would be free of prejudice. "The problem from the get-go was that the governor appointed people at least perceived to be biased toward the UFW by the grower community and in large part gave evidence of that," Houston says. The first board included four men clearly identified with labor, including Leroy Chatfield, the former controller of the UFW. According to Houston, it took the aggressive intervention of Brown cabinet member Rose Bird, then the secretary of the Agriculture and Services Agency, to get the governor to put even one grower representative on the board. And as late as last year, there was a consistent 4-1 majority favoring the UFW on most decisions.

The other commitment was that the most sensitive provisons of the act would be interpreted by the board in line with meanings agreed to in advance by labor and management negotiators when the law was drafted.

"From the get-go there have been a series of (ALRB) decisions that have been contrary to what was the understanding," Houston says. One came in 1981 with the board's Bertuccio decision which held that a grower may be required to negotiate with the UFW when he decides to change the types of crops he grows. Although that decision has been reversed this year by a more moderate board, Houston says, "That was a specific question that was asked (by growers) and it was specifically answered (by the governor's people): no way."

What about stories that board employees have been biased against growers?

Houston says it is important to remember that in the first few years of the board's existence it was refereeing a bitter and sometimes violent competition for union contracts between the fledgling UFW and the giant Teamsters Union. "To the extent that the staff was taking sides, they were tryng to protect the UFW from the Teamsters as much as from the growers," he says.

Vic Pollard, Sacramento bureau chief for Gannett newspapers, is a frequent contributor to the Journal.

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Houston believes that the ALRB is necessary and valuable, but he feels it would have made more gains for farm workers had it not turned growers into such intractable enemies from the beginning. "The benefits and wages have occurred but I think on a smaller scale and at a slower pace than they might have," he says.

Restoring "balance"

At the moment, the five-member board, still composed of Brown appointees, is locked in combat with Deukmejian, who cannot appoint his own majority to the board until 1986. Meanwhile, though, he has given the crucial job of general counsel to former Republican Assemblyman David Stirling. As counsel, Stirling serves, in effect, as the board's prosecutor, deciding which complaints from farm workers and growers shall be dismissed, settled administratively or brought to the board for a final decision.

Appointed last January, Stirling was on the job for only two months when the board adopted new regulations aimed at stripping away much of his administrative authority. In response, Deukmejian threatened to cut off the board's funding, an act that forced an uneasy compromise on the issue.

But the battle is hardly done. Last July, as part of a $1.6 billion state budget cut, the governor trimmed $2.5 million from the Legislature's $9.5 million appropriation for the board. And now the Legislature's Democratic majority, which received some $750,000 from Chavez for last year's elections, is about to have its turn. Stirling, whose appointment has yet to be confirmed by the Senate, must win confirmation in January or lose his job.

During the confirmation process, Democrats will surely grill Stirling about charges from Chavez and other ALRB supporters that the Deukmejian administration is not just trying to restore "balance" to the agency but is actually crippling its ability to prosecute growers for violations of the farm labor law. They note that Deukmejian's budget cuts slashed the agency's professional staff by a third when the workload was rising significantly. Also, they contend Stirling is pushing the staff to settle back-pay claims against growers for what the UFW says is a fraction of the amounts due workers. Meanwhile, the number of unresolved cases is soaring, indicating that agency's enforcement efforts are slowing considerably.

Cal-Law

Although the board will be in Republican hands in little more than two years, one agribusiness group believes that not even GOP control will be enough. Composed mostly of San Joaquin Valley grape growers, the group has formed an organization called "Californians for Agricultural Labor Law Reform," or "Cal-Law" for short. The goal is to bring state law into conformity with the National Labor Relations Act for industrial unions.

The state's farm labor law is modeled on the federal act, but has some key differences. The most notable are provisions covering a union member's "good standing." Under state law, the UFW can deny good standing — and therefore employment — to its members for a variety of transgressions such as crossing a picket line or failing to contribute to the union's political fund through dues. That gives the union internal discipline and external political clout not enjoyed by industrial unions, where good standing is determined almost solely by payment of initiation fees and dues.

The sentiment is not unanimous among growers, however. Other groups, including the big, influential Western Growers Association, have concluded that such an effort is a waste of time in a Democratic-controlled Legislature to which the UFW gave the aforementioned $750,000 last year.

Those donations comprised one of two major defensive actions by the union which, having lost its chief patron, Jerry Brown, knew that it would need substantial protection this year. Also Chavez is opposing any changes in the current law, thereby hoping to preserve things intact until a more sympathetic administration returns.

Additionally, the UFW has adopted a new strategy in dealing with growers. Chavez says it is reverting to the boycotts which worked well against growers before the farm labor law was passed, but with a new twist. The union is installing computers and presses which can be used for state-of-the-art direct mail campaigns to help boycott stores which sell produce from non-union farms. The tactic is already being tried on selected Lucky supermarkets which sell lettuce from Bruce Church, Incorporated, of Salinas.

In any case, not even Chavez himself could disagree with Stirling's assessment of life on the farm labor front: "People are going to have to get used to the fact that things are not going to be done around here the way they have been in the past."

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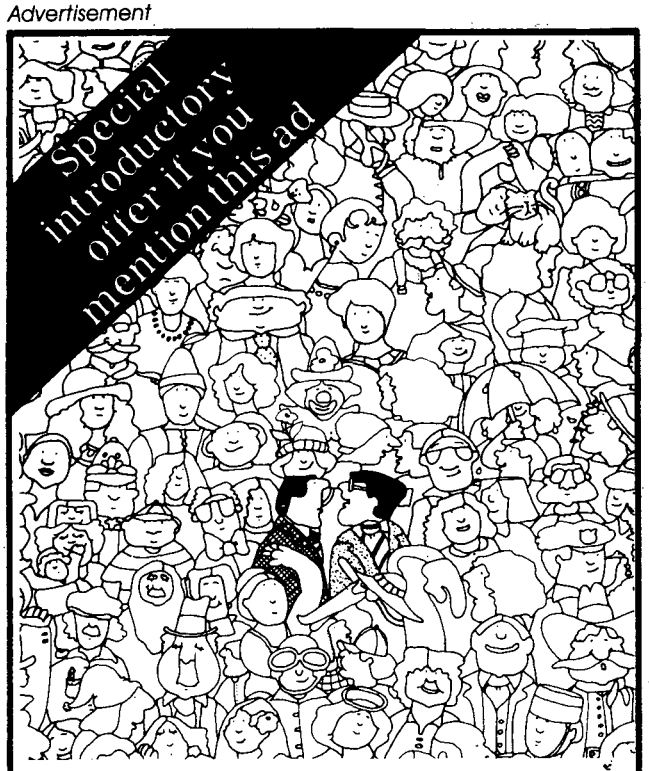

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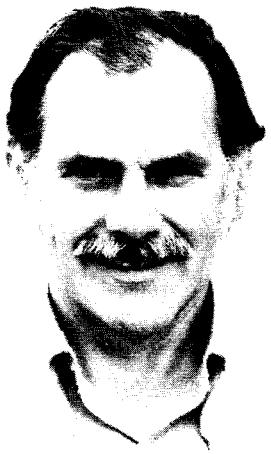
Biased board, staff made a good idea go bad

By HERBERT A. PERRY

Editor's note: Herbert A. Perry is a former member of the Agricultural Labor Relations Board. A Democrat, he was appointed by former Governor Edmund G. Brown, Jr., and served from April 1977 to January 1983. He is a professor of economics, teaching now at California State University, Sacramento. He is also a professional arbitrator of labor disputes.



When Governor George Deukmejian slashed the Agricultural Labor Relations Board budget by 27 percent last July, he was making a pay-off to the growers of California who had so strongly supported his gubernational campaign. But behind that crippling cut lay the inept policies of his predecessor, former Governor Jerry Brown. For it was Brown who allowed the ALRB to become the controversial agency that it is today. Although it is almost amusing to think of Jerry Brown as a "founding father," he was that to the board. If he had shown more wisdom, courage and/or interest in his offspring, it could have become the respected institution that it was supposed to be.

After successfully establishing a good and necessary labor law in 1975, Brown initially failed to give the new board the kind of appointees that it should have had, i.e., persons with professional expertise in labor law and industrial relations and with reputations for impartiality. Not only did the majority of his appointees lack those qualifications but they gave the appearance, at least, of being sympathetic to the cause of the United Farm Workers and its leader, Cesar Chavez.

Of Brown's first appointees to the five-member board, only one had the kind of professional experience that I believe necessary. That was Joseph Grodin, a San Francisco labor lawyer who was to become a Brown appointee on the state Supreme Court. The other four included three who were seen as close to the UFW and one who was a former advocate for grower interests.

Despite whatever real biases they might have had (and none of us is free of some), the Brown appointees often made conscientious efforts to behave even-handedly. However, they were simultaneously subjected to pressure from pro-Chavez employees of the board itself, many of whom had come from Brown's political campaigns and had direct access to the governor's office.

In retrospect, it seems clear that events of that first year set the gloomy pattern for what was to come. By February of 1976, the agency had conducted over 400 elections but had used up its initial budget allocation. Growers, stunned by UFW successes and blaming them on a biased board and biased staff, blocked an additional appropriation, and the agency went out of business for the rest of the fiscal year.

Lawmakers restored the money but only after placating growers with creation of a legislative oversight committee to watch the board for the next two years. At about that same time, in July 1976, Governor Brown appointed a new board chairman who clearly had the proper professional qualifications. He was Gerald Brown (no relation) who brought with him 30 years' experience with the National Labor Relations Board. However, Grodin was gone by then, and the governor appointed no others with experience in labor law, collective bargaining or industrial relations until my appointment in April 1977.

During 41 of the 68 months I served on the ALRB, Governor Brown allowed vacancies to exist on the board, a fact that tended to delay handling of cases and thereby contributed to frustration and anger on all sides. Gerald Brown was an effective chairman, I believe, but Governor Brown could not get enough Democratic votes to confirm his reappointment in May 1980. The five-hour Rules Committee hearing on the reappointment was allowed to become a forum where the growers and their supporters in the Legislature could attack the agency and put the blame for all troubles, real and perceived, on Chairman Brown. This growers' "victory" marked the end of any effective leadership on the board.

A pro-UFW staff

With Chairman Brown gone, there were two vacancies on the board, which Governor Brown allowed to continue for the following 10 months. Those of us who remained pressed the governor constantly for appointment of a new chairman, at least. But nothing was done. Finally, in April 1981, the governor appointed two former Democratic politicians — former state Senator Al Song and former Congressman Jerome Waldie — because they had the necessary Senate votes. However, he still refused to choose a chairman and did not do so until the final few days of his term, when he gave the job to Song.

Concerning the union, my initial experience with it was

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unique. During the time that the Brown administration was considering appointing me to the board, I was formally interviewed by the governor and by a group of grower representatives. Presumably, the union also wanted information about me but for some reason did not want to seek it openly. Thus, it sent a sympathetic ALRB staff member to check me out. He came to see me while I was still on the faculty at California State University, Sacramento, on the pretext of seeking advice on course work in labor relations. I learned of his role later when he and others tried to influence my selection of board staff and berated me when I did not follow their directions.

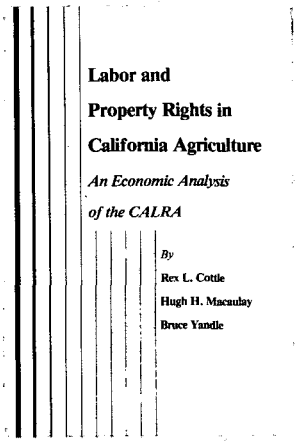
The board's staff itself was organized into the ALRB Workers Union, a decidely pro-UFW group that lobbied hard and effectively (and once went to court) to assure that board members and the general counsel would appoint top level managers and adopt policies that were satisfactory to the farm workers' union. The staff members had models: Governor Brown openly supported the UFW, and key employees of the ALRB had worked with the UFW and on Brown's various political campaigns.

Many staff members, I am sure, saw their work as an opportunity to help a long-ignored class of workers gain bargaining power and some dignity. But there was often an excess of zeal, leading some to march with Cesar Chavez and UFW members in parades, associate freely with UFW

BOOK REVIEW

Academic gobbledegook masks attack on farm labor act

By DOUG WILLIS



A new study of California's Agricultural Labor Relations Act by three Clemson University professors concludes that the state's precedent-breaking farm labor law has caused higher prices for California agricultural products, lower "real wages" for farm workers and lower market values for California farm land.

Those startling conclusions by professors Rex Cottle, Hugh Macaulay and Bruce Yandle are buttressed by nearly 100 pages of needlessly complicated formulas, charts and tables and murky academic gobbledegook in the book *Labor and Property Rights in California: An Economic Analysis of the CARLA* (Texas A&M University Press, Drawer C, College Station, Texas 77843, $18.50).

The stifling academic jargon is not without purpose. It masks a lack of genuine research. The authors managed to find incredibly complicated ways of making relatively simple observations. In the process, they add an aura of academic pretension to what is nothing more than a political essay.

The authors assert that because of ALRA rules, a greater percentage of California's agricultural land has been unionized by Cesar Chavez' United Farm Workers, and that the result has been increased labor costs and increased consumer prices. A second conclusion is that the market value of California farm land is declining because union rules have made the land less productive. Or, in the jargon of the authors, "significant changes in managerial prerogatives have occurred" to give Chavez' union "the power to control an essential input in the production process and consequently the legal authority to extract for its own benefit the economic profits that accrue." Such "co-determination" by management and labor of things like work rules "breaks the connection between production and reward . . . resulting in less economic output . . .," they conclude.

Those conclusions may or may not be correct. But they deserve open-minded study, which is exactly what this book fails to offer. Instead, the authors start with such heavily biased assumptions that those conclusions are inevitable.

A major premise

For example, a major premise of this study is that any union is a "legal monopoly" over the labor supply, and that there was no evidence of any exploitation of farm workers prior to unionization. The study also concludes that passage of the farm labor act and the unionization of workers that it encouraged caused "real wages" for farm workers to drop. According to the authors, the higher wages won in the new labor contracts spurred growers to become more efficient and mechanized in order to reduce their overall number of employees. "Consequently, some workers, employed before the union agreement, lose their jobs and seek work in the nonunionized section. As the supply of non-unioned labor increases, their wages fall." Thus, the average for all farm workers is a lower wage because of unionization.

This is an argument that merits thoughtful study. Labor negotiations, like political campaigns, tend to focus almost entirely on short-term benefits, with few thoughts about long-range effects. But in this study, this conclusion has nothing to support it except the biased assumptions of the authors.

These ideas will undoubtedly be denounced, without any real thought, by supporters of the UFW and the ALRA. And they will probably be applauded by ALRA foes and cited as academic "proof" of the weaknesses of the act. That's unfortunate, because these ideas deserve both more and less than they receive in this book. They deserve more discussion, and more clarity of thought; and they deserve far less academic obfuscation and anti-union hyperbole disguised as research.

Doug Willis, chief of the Associated Press Bureau in Sacramento, reviewed Dow vs. California *for the July 1983* Journal.

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staff, cooperate more readily with UFW agents than with grower agents and refuse to seek valid injunctions against the UFW. All the while, of course, they were employed by an agency that was supposed to be impartially administering the law.

None of this is to say that growers have no faults. Many see labor as a mere commodity, something to be furnished by a labor contractor. Other growers, many of whom are at least ethnocentric and at worst racist, regard workers as aliens and treat them as a necessary but lower order of life. Often, the most bitter anti-union bias is expressed by farm foremen and supervisors, many of whom have worked up from the fields into their more secure positions. Unionization erodes their authority; they cannot hire and fire or reward and punish as they choose.

It is said frequently that employers get the unions they deserve. Maybe the growers deserve the UFW. Surely, the union is like them with its frequent showings of spite and rigidity. But despite these attitudes, and despite the fact that the board has failed to become the respected arbiter of farm labor disputes, this is not the time to destroy it with punitive budget cuts, bad political appointments or emasculating amendments to the original law. It is time to remember why the law was enacted and to take responsible measures to build the professional agency that can get the job done.

A response on behalf of Jerry Brown

The *Journal* called former Governor Jerry Brown for response to the allegations from Tom Houston and Herb Perry but received a return call instead from Democratic Congressman Howard Berman of Los Angeles. Berman, an assemblyman in 1975, said that Brown asked him to respond because he (Berman) was a leader among those who enacted the farm-labor law and was familiar with the background.

In general, Berman said the charges from Houston and Perry were "very unfair." Specifically, he challenged their assertions that Brown's original appointees to the board either gave the appearance of bias or were biased in favor of the farm workers. "What specific decision was unfair?" he asked.

Concerning Houston's contention that Brown broke his word to growers concerning crop decisions, Berman said he was present during negotiations that preceded passage of the bill and does not recall the subject having come up. However, he conceded that Brown could have made an agreement with growers without his knowledge.

Berman also said it was unfair for Houston to say that Rose Bird pushed Brown into appointing a growers' representative to the board. "Whether it took him (Brown) two seconds or two days to make a decision, that was his appointment," Berman said.

And Berman contested Perry's suggestion that some pro-union staffers employed by the ALRB used special ties with the governor's office to further union goals. He said that one ALRB staffer, who later joined the governor's staff, had received praise from growers for being fair.

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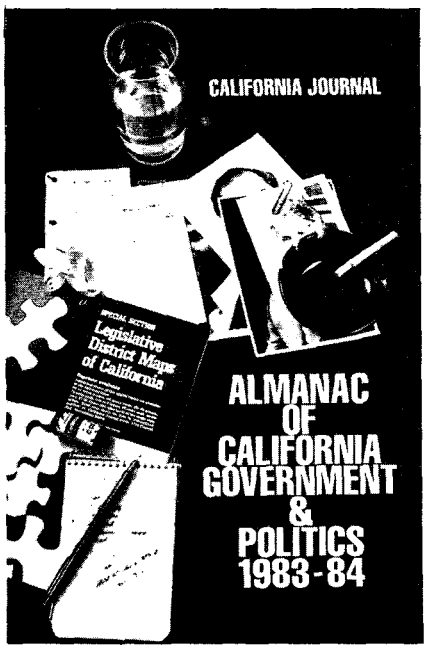

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GOP hopefuls look toward 1986 Senate race

By RICHARD BERGHOLZ

Wherever he goes these days in his quest for the Democratic presidential nomination, Senator Alan Cranston seeks to make it clear he is the "progressive" candidate among all the choices available. And every time he says it, it echoes back to a very special group here in California. They are the top-level strategists in the California Republican party. They believe "progressive" as Cranston uses it means "liberal," which in their world is bad, and that Cranston's words can be used against him when — and if — he runs for a new term in 1986.

Of course, Republicans have been holding these thoughts about California's senior senator ever since he went to Washington in 1969. And each time the GOP seeks to tar him with the liberal brush, he convinces the voters he is on good terms with both the right and the left, and he manages to win handsomely.

But no matter. The GOP already is salivating over the prospect of taking him on when his spot in the Senate comes up. They expect him to lose the presidential nomination fight, and they think he will run for the Senate again, at age 72, mainly on the grounds that very few office-holders ever give up their seats willingly — particularly those who have acquired a lot of power and seniority.

And that certainly applies to Cranston. Not only is he getting up there on the seniority list, he is assistant Democratic leader in the Senate — and that spells power. Many California interests, both business and labor, have come to respect Cranston's ability to get things done in Washington.

"We know we can't beat him next time just on his record," said Republican State Chairman Ed Reinecke. "We know he has done his homework with constituent groups. But his general protestations as a liberal will come back to haunt him. And we think we can do it if we come up with a strong, positive Republican candidate."

That would be a switch. So far, Cranston has had a charmed life, challenged only by so-so Republican opponents. When he first won the office in 1968, his GOP challenger was Dr. Max Rafferty, state superintendent of public instruction and a slick-talking orator from the far right who had upset the moderate GOP incumbent, Senator Thomas H. Kuchel, in the party primary. Next came another hard-right Republican, state Senator H. L. (Bill) Richardson, in the 1974 campaign and it was not even close. And then there was Paul Gann, elderly co-author of the tax-cutting Proposition 13, when no other major Republican figure wanted to take Cranston on in the 1980 re-election campaign. And Gann, too, was overwhelmed, despite a Reagan landslide at the top of the ticket.

One of those who toyed with the idea of tackling Cranston in 1980 was then-Representative John Rousselot of Arcadia. But he backed off. And he backed off again last year when Republican Senator S. I. Hayakawa's seat was being contested. This time it appears Rousselot may be ready to go. He talks like a candidate, is moving around as a candidate should. And his rivals think he's going to run.

The tip-off may have come last May when Reagan named Rousselot his special assistant and deputy director of the Office of Public Liaison. To some, this signaled Reagan's sub-rosa decision to give Rousselot a boost. And when the 56-year-old former congressman was named last month as Western States regional director of Reagan's re-election campaign committee, that helped give circulation to the idea that Rousselot was indeed the chosen one.

Consider, however, that he is a lifelong, hard-right conservative. For years he served on the national council of the John Birch Society and, although he has since resigned from the extremist group, he has a voting record in Congress that few conservatives can match for consistency. And Cranston has shown he simply devours extremists from the right.

One of those watching the Rousselot moves closely is state Senator Ken Maddy of Fresno, a prospective candidate against Cranston. "Every one of us (prospective candidates) is looking for an edge in the race, and what Reagan has given John is a substantial edge," Maddy says.

Maddy is the one most frequently named by Republican leaders as a candidate in 1986. The state senator ran a strong but losing race for governor in 1978, and the last couple of years has been telling folks all across the state that he's gearing up to take on Cranston. He recently held a fund-raiser, ostensibly for his state Senate campaign, but out of the proceeds he set aside $40,000 in a special account to be used in a federal election.

Maddy, the moderate

But the senator recently has remarried, has acquired some family and business responsibilities and there are those who say he no longer has that "fire in the belly" to go to Washington. "Earlier, I was eager to go," Maddy says. "Now I've changed from that. Family considerations are a serious factor with me." Maddy said he and Rousselot have talked, semi-seriously, about the impending clash, "and we have sort of agreed we would work it out so that we would try not to run against each other." But that was some time ago, he added, and they haven't talked recently.

In his legislative career and as a candidate for governor, Maddy acquired the reputation as a relative moderate in Republican circles. And he is keenly aware that ultra-conservatives may do well in party primaries, but they rarely win in general elections.

And Maddy is also aware that Rousselot isn't the only candidate from the right who is thinking about the Cranston race. Los Angeles County Supervisor Mike Antonovich is very much involved in the early jockeying and he, too, draws heavily from the conservative ranks. "If both John (Rousselot) and Mike ran, a moderate statesman like me might split the pack," Maddy laughs.

Of all the prospects, Antonovich is the one with all his ducks in a row. He's

Richard Bergholz, former political writer for The Los Angeles Times, *is a freelance writer in Los Angeles.*

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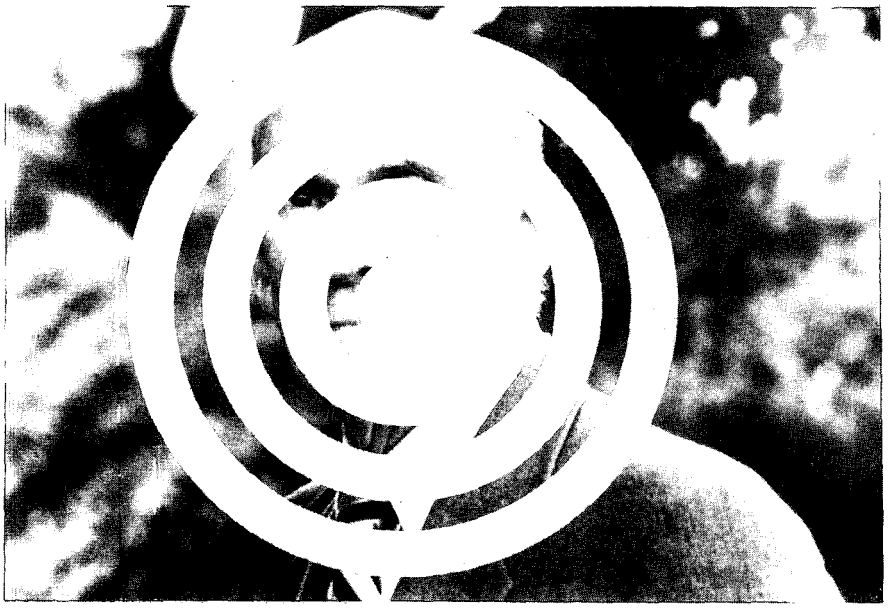

CRANSTON

up for re-election to the board of supervisors next year, and no major opposition has surfaced yet. Then he's scheduled to become Republican state chairman succeeding Reinecke in 1985, thereby giving him a statewide presence to help build up identity with the voters. Right now, Antonovich is somewhat reluctant to talk about the timetable. "If I said I was going to run in 1986, it might cause some problems," he said, particularly in his bid to become GOP chairman.

But there is little question that Antonovich is getting ready for Cranston. The 44-year-old supervisor had a conservative voting record when he was a state assemblyman, and he has continued in that pattern on the nonpartisan board of supervisors. He ran a strong race for lieutenant governor in 1978 against the eventual winner, Republican Mike Curb, and has since built up contacts in the party.

Also coming from the right end of the political spectrum is state Senator Ed Davis of Chatsworth. The former Los Angeles police chief says, "My friends have said they want me to run against Cranston and I will probably do it." Davis, whose career as police chief was marked by some monumental headline-grabbing statements, has surprised a number of his friends and foes alike by steering a remarkably independent course in Sacramento. He's still a dedicated conservative — Maddy calls him "sort of our Republican gadfly" — and he turns to the right wing for political advice.

The 66-year-old Davis said he intends to commission his pollster and consultant, New York-based Arthur Finkelstein, to survey California in January not only to see where Cranston stands with the voters but also see "what my own negatives are." Davis believes his identification as a former "cop" is a negative with some voters. He believes it hurt him in the 1978 race for governor when he beat Maddy and then-Mayor Pete Wilson of San Diego but lost to then-Attorney General Evelle J. Younger. It was Davis who termed Younger "about as exciting as a mashed-potato sandwich" and now says that same description could be applied to Wilson, who won a Senate seat last year in a race Davis now wishes he had entered.

"I've got to make a decision next year for sure," Davis says. "I can't wait too long. I didn't get into the governor's race (in 1978) until January of election year, and that was awfully late."

As for talk that Curb, who lost the governor's race last year and who is now the finance committee chairman for the Republican National Committee, might give up his Washington residence and return for a comeback against Cranston in 1986, Davis doubts it, as do a number of other key Republicans. Curb did not run a spectacularly good campaign for governor, and Davis observes that "it's hard to re-light a rocket that didn't go off well."

Reinecke thinks the Republicans will need a "charismatic" candidate to put up against Cranston, adding, "Poor Alan, he'll never win any beauty contests." And Reinecke joins others in noting that 1986 may well be a special year for conservatives because they'll have Chief Justice Rose Elizabeth Bird to shoot at. Her term expires in 1986 and her name goes on the ballot automatically. And if there is anyone who can galvanize the right to exercise its wrath, it's Bird. Republicans have always done better than Democrats in getting their troops to the polls, and they believe a Bird on the ballot will make it easier and may bring some conservative law-and-order Democrats over the GOP ticket.

So if it's conservative candidates they want, they might have them in Rousselot, Antonovich and Davis. They'll have Governor George Deukmejian at the top of the ticket — almost every Republican leader considers it unthinkable that he might decide to give up Sacramento for a shot at Cranston's seat. "I'll lay you 100-to-1 odds right now he'll never do it," says one of his closest friends and advisers.

What if it appears a more moderate candidate would stand the best chance against Cranston, and Maddy decides he'd rather run for lieutenant governor and thus stay in California and wait his turn at the governor's race?

In the first place, there aren't that many successful GOP moderates to draw from. And it is almost an article of faith in California Republican circles that a so-called moderate has a terrible time winning a primary against a right-winger.

Aside from Maddy, there's only one well-known moderate who's considering the race against Cranston — and he's not thinking very much about it.

He's former Representative Paul N. (Pete) McCloskey Jr. of Menlo Park, the man who battled against a line-up of conservatives in the race for U.S. senator last year and finished second to Wilson. It was a grueling and often frustrating experience for McCloskey, and it left him with a campaign deficit he's still paying off. But his interest in politics remains undaunted and he says of 1986, "I will study and get ready and if the chance comes, I'll be here."

Then he laughs and adds, "But I'm not out seeking the job."

"Poor Pete," comments Davis. "The Republican party is so unforgiving that it may be hard for him to come back. He was probably too liberal for the party when it was conservative, sort of like being politically out-of-synch."

Stuart K. Spencer, a Newport Beach political consultant who has seen them all and who will be working for Reagan next year, says the fight against Cranston in 1986 is going to be a donnybrook.

A long time personal friend of Rousselot's, Spencer rates the former congressman as "the best candidate in the field." However, that's a judgement that Davis, Maddy, Antonovich or whoever is certainly going to challenge.

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JOIN THE LEGISLATURE AND LEARN A TRADE

By A.G. BLOCK and KARIN PETERSEN

Some people think that the Legislature's staff has been growing by leaps and bounds over recent years simply because California lawmakers enjoy having more flunkies about to run errands for them. Not so, declare the Legislature's defenders. Staff growth has been caused largely by the complexity of current issues. Lawmakers have been hiring more experts to tell them about toxic waste, nuclear energy, genetic engineering and other such arcane matters. Says Steve Thompson, Assembly Speaker Willie Brown's chief of staff, "The Legislature must understand what it's dealing with and must have competent expertise." Echoes Cliff Berg, Thompson's counterpart in the Senate, "The public has come to expect the Legislature to respond immediately (to complex problems)."

Thus, in pursuit of truth, the *Journal* surveyed 213 legislative committee and staff consultants to find out who is expert and who is not. And, by *Journal* standards, it looks as though the majority are not. Of the 213 questioned, only 89 consultants (42 percent) held an academic degree in their area of legislative work or had some private sector experience in it. The rest brought no special knowledge to their jobs and only began to learn their fields while working for the Legislature itself. (See accompanying table for educational background of the staff.)

Some might contend that the *Journal* definition of "expert" is too strict, that a legislative "expert" is any staffer who can keep sufficiently abreast of some business or activity to tell his or her boss what's going on. "Consultants who handle energy policy don't need to know how to smash an atom. They have to know how the nuclear industry works," says Berg. If that's the case, though, then the only way to measure the expertness of the legislative staff would be to measure the intelligence, curiosity and energy of every staffer. However, that's an impossible survey to do. (For a broader explanation of staff's role with the Legislature, see "Legislative staff — No. 1 growth industry in the Capitol," *CJ*, June 1983.)

On another subject, the survey found committee consultants divided on the question of whether to work in political campaigns for the officeholders who employ them.

Many consultants campaign for their committee chairmen. Several do it, they say, because they owe their jobs to those chairmen. Others echo the sentiments of John White, a former consultant to the Assembly Energy and Natural Resources and Assembly Consumer Protection and Toxic Materials committees.

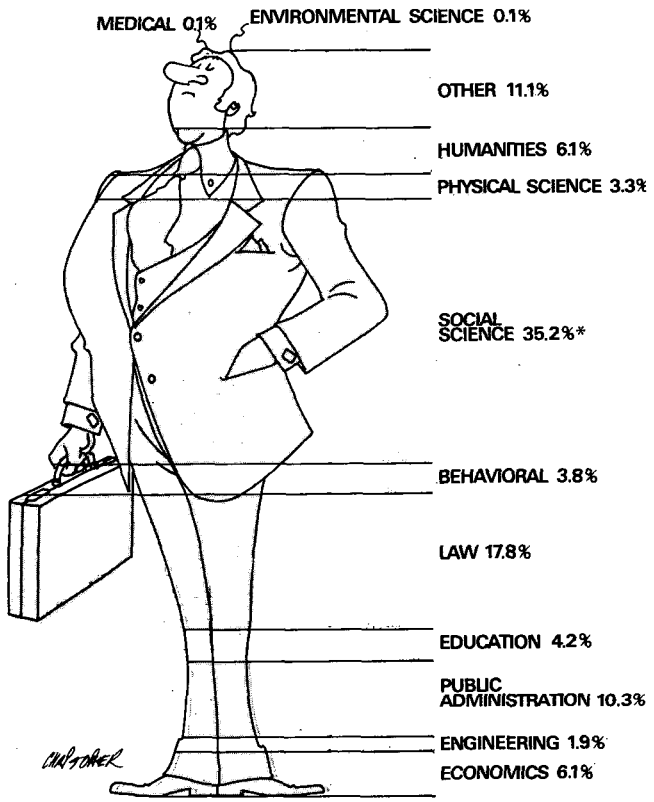
Explains White, "Sometimes you feel an obligation to (campaign for) a chairman or member because you've urged him or her to take a stand on an issue, and that stand has threatened (the member's) re-election."

In the Senate, 38 of 88 consultants contacted had done some campaigning in the past. Although 10 indicated they had quit the practice since becoming consultants, 28 said they still campaigned regularly. In the Assembly, 46 of 110 had campaigned, with 17 having stopped since joining the legislative staff. Twenty-five consultants said they campaigned regularly, with nine having taken a leave of absence in 1982 to campaign during the general election. The balance campaigned occasionally.

A few considered campaigning part of their legislative duties. Says one Assembly consultant, "Yes, (I campaign) for Willie Brown. That's kind of part of the job."

Karin Petersen, a recent graduate of the University of California-Davis, served as an intern with California Journal. *A.G. Block is managing editor of the* Journal.

Major Field of Study



*This figure includes 75 consultants who hold degrees in political science.

Professional Experience Outside Legislature

Assembly		Senate		Joint		Total	
Yes	No	Yes	No	Yes	No	Yes	No
70.2	29.8	44.2	55.8	68	32	60.2	39.8

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HOW TO BE A DELEGATE AT A NATIONAL CONVENTION

By TONY QUINN AND ROBERT FAIRBANKS

So you want to be a delegate to the national convention: wear a funny hat, be seen on television, wave a banner for your hopeful and maybe help select the next president of the United States?

Well, if you are a Democrat, there's a whole new set of rules. For the first time ever, delegates will be elected in the primary next June. To land a spot on the ballot and a chance at San Francisco, you'll need a nod from the presidential candidate of your choice. Or talk to your local officeholders. If you don't make it at the election, they might find something for you nonetheless.

If you are a Republican, you'll see no big change. The GOP is sticking with its tried-and-true "winner-take-all" process that has three times sent a Ronald Reagan delegation to the national convention (1968, 1976 and 1980). This year, on the ride to Dallas, the airliners should be loaded with Reaganites once more. To get a seat, call the White House, the governor's office or the office of U.S. Senator Pete Wilson. They're the ones officially in charge.

Tony Quinn has written extensively on California politics. Robert Fairbanks is editor of the Journal.

Democrats will meet in the city by the Bay in July. It will mark their first convention in San Francisco since 1920 when James Cox (for president) and the little-known Franklin Roosevelt (for vice-president) were selected to head the ticket. Those nominations led to a landslide victory for Republicans Warren Harding and Calvin Coolidge, a landslide Democrats hope not to suffer in 1984. They would rather remember the last Democratic convention held in California, at Los Angeles in 1960, when the party nominated John F. Kennedy.

Republicans convene in Texas for the first time — something of an irony. For two years ago, Texas was the shining star of the new Republican south, and then-Governor William Clements pushed hard for the convention. Then came the 1982 election, and Clements was defeated by Democrat Mark White. White will now be host governor for the Reagan re-election convention — assuming the president runs again.

A somewhat similar irony awaits Democrats in San Francisco since California was the only major state to record a GOP gubernatorial gain in 1982. Governor George Deukmejian rather than Governor Tom Bradley will, as host governor, send greetings to the Democratic convention. Perhaps he will caution the Democrats not to put too much faith in political polls.

REPUBLICANS

Of the 2234 Republicans who will gather in hot and muggy Dallas, 176 will hail from California. Presumably they will all be safely pledged to Ronald Reagan.

Republican convention law is simple and straight-forward. Each candidate submits a list of delegates with the only stipulation being that he must select three from each of the state's 45 congressional districts. This means that 135 GOP delegates represent congressional districts while the remaining 41 are selected "at large." Generally, these at-large delegates are party leaders and elected officials. Only candidate names — not the names of delegates — appear on the ballot.

One problem with this apportionment of delegates among congressional districts comes from the disparity in the number of registered Republicans who live in each district. For example, the Watts district of Los Angeles, with few GOP adherents, sends the same number of delegates to the convention as do congressional districts in Orange County where Republican registration is substantially larger.

Regardless of this disparity, there is little doubt how the California delegation will vote once it arrives in Dallas. By law, it must vote *en masse* for the state's GOP primary winner for at least two ballots or until released by the candidate. Since this is the president's home state, the California delegation will be carefully chosen to assure the delegates do what the president's people want.

The Reagan re-election effort in California will be

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headed by Governor Deukmejian who is also expected to have the most clout when it comes to selecting delegates. He will, however, have to share that chore with his co-chairman, GOP Senator Pete Wilson, and with party chief Ed Reinecke.

These delegations tend to be made up of long-time party activists and office holders, and selection is viewed as a reward for party service. Knowledgeable Republicans expect a "unity" delegation for 1984, reflecting all shades of party opinion, for what party leaders hope will be a "love feast" in Dallas.

DEMOCRATS

Generally speaking, the Democrats' new rules are based on a widespread belief within the party that the McGovern reforms of 1972 worked a little too well. Designed to encourage grass-roots participation in the delegate selection process, they went too far in reducing the power of elected officials and other political pros, including the presidential candidates themselves. Also, it was felt, they tended toward divisiveness by encouraging splinter candidates and groups. Although the reforms have been modified since 1972, the latest change goes further than anything before. As applied in California under state legislation enacted earlier this year, the new rules will:

— increase the influence of the pros by giving candidates more power in the delegate-selection process and by requiring that elected officials and party officers become part of the delegation; and,

— undercut, to some extent, splinter candidates and groups by restoring at least the potential for a winner-take-all primary result. The change also is designed to heighten interest in the California primary, thereby generating the enthusiasm Democrats need for the successful building of local campaign organizations.

The first step toward increasing the influence of the pros is to require something new for California: direct election of delegates and alternates in the June 5th primary. Under the new rules, voters for the first time will be presented with lists of aspiring delegates and will choose those who go to San Francisco. Alongside each name will be the name of the presidential candidate to whom the delegate has pledged support. Of California's 345 delegates and 115 alternates, 209 delegates and 69 alternates will be chosen in this way.

Previously, delegates for each candidate were elected in pre-primary caucuses. According to Rosemarie King, executive director of the state party last year when the new rules were being considered, the trouble with that system was that "any group of people with a busload of supporters could show up and get themselves elected as delegates." And candidates could do nothing about it. The old rules, she points out, gave them virtually no power to reject the delegates who had been chosen.

King, how a consultant to the Senate Committee on Elections and Reapportionment, says the result was the selection of many delegates who had little or no loyalty to the candidates they were supposed to support or even to the Democratic party itself. Such delegates, she continues, contributed little to building the kinds of campaign organizations that Democrats — whose strength lies in numbers — need in November to get out the vote. "You saw them at a caucus and at the convention, and that was about it," she says.

But how does a change to direct election give the pros more control over the delegate selection process? The answer is that not anyone can get on the ballot. The presidential candidates themselves will select the aspiring delegates who will represent them.

Michael Gordon, the party's current executive director, notes that the new rules continue to permit delegate selection at local caucuses, and he predicts that the major candidates will continue to use the process. The big difference is that the caucus selections are advisory to the candidate, not binding.

With potential delegates chosen, the process will work like this: Separate elections will be held in each of the state's 45 congressional districts. Ballots will carry slates of potential local delegates, each pledged to a particular presidential candidate. Voters may choose all their delegates from one slate, or they may pick and choose from several. As a result, the district's elected delegates may all be pledged to one candidate or may be split among several.

The number of delegates elected in each district will vary. Unlike Republicans, Democrats consider district voting records in making apportionments. Some districts will elect as few as three delegates, others will elect as many as eight. The typical district will elect five or six.

In the past, candidates ran statewide, and later each was apportioned from among the pre-selected delegates according to his or her percentage of the total vote. As a result, battles were fought largely through media campaigns. But now, the names and reputations of the potential delegates could be a major factor in the voting outcome, perhaps deciding it in some districts. If, for instance, a voter favors Cranston but sees familiar names on the Mondale slate, he or she might cast votes for several Mondale delegates along with those for Cranston. Thus, if the district were electing six delegates, it might send three for Cranston and three for Mondale to San Francisco. The same could happen in reverse, of course, or involve other candidates.

What all this means is that candidates and their aides must come to California before the election to line up politically popular persons to represent them on the June ballot. Local elected officials, activitists and others — often ignored during the days of mass-media campaigns — are about to be courted by a group that might someday produce a president of the United States. Indeed, it is happening now. Under the new rule, candidates have only until March 14th to submit their slates of delegates to the secretary of state.

And candidates had better know their delegates well. For although the new rules require potential delegates to pledge their support to a particular candidate, they do not require the delegate to vote for him at the convention. Legally, at least, elected delegates are free agents.

But direct elections will provide only 60 percent of Califrnia's Democratic delegate corps. The remaining 40 percent (136 delegates and 46 alternates) will be so-called "add-ons;" that is, persons chosen for the delegation after the primary. Generally speaking, elected officials will dominate this group. The new delegates will be added to the delegation at a post-primary convention of elected delegates, to be held in the latter part of June.

Add-on formula

Within the add-ons, the biggest bloc (97 delegates and all 46 alternates) will be awarded to candidates in proportion to the number of delegates each won in the primary vote. The reason for making such a large award after the election is to assure that the full delegation meets the state party's affirmative-action and equal-division rules. Thus, if the elected delegates are too white, too black or too whatever, these "add-ons" will give the full delegation its proper mix.

Although the add-ons must be approved by the elected delegates, the selection job will be in the hands of political

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pros — an "executive compliance" committee composed of six Democratic legislators and "steering committees" representing the candidates. Under the new rules, 28 of the 97 delegates must be party leaders or elected officials. The remaining 69 may include others, but priority must be given to party leaders and elected officials.

Since "add-ons" will be chosen after the election, the group could include many persons who ran for delegate slots in the primary and lost. Thus, "good Democrats" who backed a loser may repledge themselves to a winning candidate and go to San Francisco.

The remaining 39 San Francisco-bound delegates also must be elected officeholders and party officials, but unlike the others, they will be unpledged. As a result, they may exercise their judgements as they see fit, perhaps to lead the delegation from supporting one candidate to support of another. The rules require that about one-third of the group be Democratic members of Congress. The two top party officials also must be included. The others are to be recommended by Assembly Speaker Willie Brown and Senate President Pro Tem David Roberti and must be chosen from among big city mayors, statewide officeholders, legislators and other elected officials.

As mentioned earlier, the other important feature of the new rules is the potential for a winner-take-all primary. Clearly, it won't be the same as the statewide winner-take-all that Democrats dropped after 1972, but if a candidate can get all his delegates elected in each of the 45 congressional districts, he will get all 308 pledged delegates votes.

The odds for that happening are slim, but a statewide sweep is conceivable for one of the front runners. Minor candidates and lesser-knowns have no chance at all and will have to concentrate their efforts in a few congressional districts to come away with even a handful of delegates.

But though chances for a statewide sweep are slim, the possibility should heighten interest in the election, an important goal for Democrats here. Dull primaries not only blunt party organizational efforts but fail to bring presidential candidates into the state to court local politicos with potentially valuable pledges and promises.

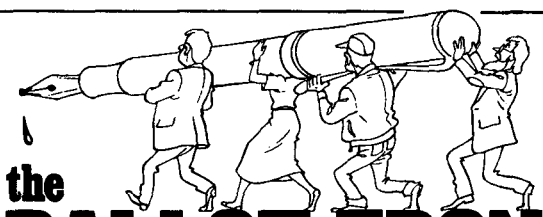
Dullsville

And California's recent primaries have been dull. Not only did they run late in the year — June — after the nominations had been nailed down, but by apportioning delegates according to percentage of vote, they became predictable as well. Initially, California Democrats sought to heighten interest in the primary by moving it forward to the more media-grabbing times of March and April. But they dropped the plan after learning that it would cost about $30 million.

Republicans have kept the pure "winner-take-all" mechanism for the whole delegation because Ronald Reagan partisans rightly figured it would assure him all the California delegates, as it did in 1968, 1976 and 1980. However, with Reagan passing from the scene after 1984, the GOP may modify or eliminate "winner-take-all" primaries.

It will be interesting to see if the party which so effectively uses the initiative, referendum and absentee ballot will go to grass-roots presidential selection and adopt some form of direct election. If the new Democratic rules prove a boon to widespread political activism in Democratic ranks, perhaps grass-roots conservatives will see a similar chance in GOP ranks.

If so, Governor Deukmejian, Senator Wilson and chairman Reinecke could be the last Republican leaders to pick those lucky few to sit in the front row and hear the orators announce " the next president of the United States."



the BALLOT FRONT

A roundup of statewide initiative proposals. (Signatures required and deadlines are in parentheses.)

Continuing in circulation:

- **WELFARE** — an initiative statue that requires welfare recipients to work as a condition of relief. (393,835, December 19th)
- **GAMBLING AND LOTTERIES** — an initiative constitutional amendment that would authorize lotteries and legalized gambling in selective locales, plus create a Public Gaming Control Commission. (630,136, December 19th)
- **NUCLEAR WEAPONS** — an initiative statute that requires the governor to write the president to urge United Nations control over all nuclear weapons. (393,835, December 19th)
- **ELECTION CAMPAIGNS** — an initiative statute that attempts to clean up political campaigns. (393,835, December 19th)
- **FIRE SAFETY** — an initiative statute that requires the State Fire Marshall to establish fire safety standards for cigarettes and small cigars. (393,835, December 23rd)
- **SOUTH AFRICA** — an initiative statute that forces all California state, county and municipal agencies to divest themselves of investments in South Africa. (393,835, December 29th)
- **CRIMINAL COURT REFORM** — an initiative constitutional amendment affecting, among other things, the selection of juries and the number of jurors able to convict in criminal cases not involving the death penalty. (630,136, February 17, 1984)
- **BALANCED FEDERAL BUDGET** — an initiative statute that requires the Legislature to send Congress a resolution calling for a constitutional amendment to balance the federal budget. (393,835, February 21, 1984)
- **TAXATION** — a constitutional amendment, sponsored by Howard Jarvis, that amends Proposition 13 to close loopholes Jarvis says have been opened by the courts. A similar petition was withdrawn by Jarvis in October 1983, and this version is identical to it except for technical changes. (630,136, March 19, 1984)

Qualified for June 1984 ballot:

- **LEGISLATIVE RULES, PROCEDURES, POWERS AND FUNDING** — an initiative statute to reform the Legislature sponsored by Paul Gann.

Failed to qualify:

- **MAXIMUM SALARIES FOR STATE OFFICIALS** — a constitutional amendment to limit salaries paid to elected officials and justices of the state Supreme Court.

Source: Secretary of State March Fong Eu.

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JUST WHEN THEY THOUGHT IT WAS SAFE . . .

With Reagan as president, CRLA is once again on the defensive

By CLAIRE COOPER

"Justice is served far better and differences are settled more rationally within the system than on the streets."

The words belong to former President Richard Nixon. Spoken in 1971, they were meant to defend legal services for the poor, then under attack by Nixon's fellow Republican — California Governor Ronald Reagan.

At the time, Reagan was trying to abolish California Rural Legal Assistance — an organization funded by the federal government but administered by the state. Reagan perceived CRLA as an agency that used government money to promote social change, a role that chafed his conservative sensibilities.

Indeed, since 1966 CRLA had been taking the civil problems of the rural poor into the courts, representing them in actions against their employers and often against the government itself. Its victories altered forever the relationship between the rural poor and the people who hired them, housed them, sold them goods and administered to their needs.

But CRLA's activist role earned it enemies. One of them, Governor Reagan, expressed his displeasure by vetoing CRLA's entire 1971 budget. But with help from the Nixon administration, CRLA outlasted Governor Reagan.

The question now is: Will CRLA outlast President Reagan?

Beginnings

CRLA was formed in 1966 as part of the "war on poverty." Sargent Shriver, first director of the federal Office of Economic Opportunity, awarded CRLA its first federal grant. Powerful opposition developed immediately. The State Bar of California, although subsequently a CRLA supporter, issued a resolution condemning the new legal agency as a

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voice of "militant advocacy . . . of one side of an economic struggle now pending." The Bar accused CRLA of going beyond simple legal representation and into the field of "furnishing political and economic aid." Its president, John Sutro of San Francisco, also worried that CRLA attorneys might be used by the poor in suits against growers.

In squelching that argument, Shriver told Sutro, "If you agree that no lawyers in California will represent growers, I will agree that no legal service people will represent the pickers."

What Sutro and other early opponents immediately understood was that CRLA was no ordinary legal aid program and would not necessarily seek traditional remedies for traditional problems. To be sure, CRLA would pursue individual claims, but it would also attack "root problems . . . causes rather than symptoms," according to Claudia Smith, a director of CRLA Foundation, a recently formed support group. For example, in addition to filing a standard compensation claim on behalf of a worker who had suffered a bad back, CRLA would also sue the grower in order to prevent use of a short-handled hoe — the cause of the bad back.

If this kind of practice made growers despise its activism, CRLA's record of achievement created a legend among farm workers and the rural poor: a national ban on the use of DBCP, a highly toxic pesticide; a ban on the importation of Mexican workers known as "braceros;" an end to the placement of Spanish-speaking children in classes for the mentally retarded; the award of water rights to black residents of a Wasco slum and to Indians on a Mendocino County reservation. In 1968, OEO named CRLA the country's "outstanding legal services program."

A survivor

None of these achievements impressed Ronald Reagan, however. As early as 1967 — the year of the bracero victory — he criticized CRLA for becoming a "promoter of social change." In 1970, after a CRLA court victory upset his $210 million Medi-Cal cutback, Reagan accused CRLA of "gross and deliberate violations of OEO regulations" and "failure to represent the true legal needs of the poor." He then vetoed OEO's 1971 appropriation to CRLA — its entire budget.

To support the veto, Reagan's state OEO director, Louis Uhler, issued a 283-page report that charged CRLA with fomenting unrest among farm workers as well as in schools and prisons. Uhler's attack was so passionate that it prompted one conservative CRLA opponent, syndicated columnist James J. Kilpatrick, to brand the report "about as objective as a non-partisan evaluation of the Chicago police prepared by (former Black Panther leader) Eldridge Cleaver." For six months following the report, CRLA's demise seemed imminent.

But CRLA not only survived, it emerged even stronger after a three-judge panel (appointed by the Nixon administration) disputed Uhler's charges, concluding instead that CRLA had discharged its duty "in a highly competent, efficient and exemplary manner." The findings also led to a move, initiated by the American Bar Association and supported by Nixon, to insulate the legal services network from such attacks. To this end, Congress in 1974 transferred the program from OEO to a new, independent Legal Services Corporation (LSC). Governors thus became unable to veto federal grants for legal services within their states.

Although this act insulated CRLA from Governor Reagan, it left it at the mercy of President Reagan. When he became president, Reagan at first tried to abolish the LSC, but a balky Congress intervened to spare it. Still, revenue for LSC was reduced 25 percent for 1982, a loss that CRLA officials nonetheless call a "victory." And while Congress prevented Reagan from doing away with LSC, it also prevented the corporation from issuing grants to groups, like CRLA, that used public money to lobby or to represent aliens.

In addition, the president has used his right to nominate LSC board members as a tool to express his displeasure. In the past, he either nominated temporary members who shared his hostility or simply left board seats vacant. Not until October 1983 did he finally nominate a permanent, 11-member board of directors. (The only Californian among the nominees is Robert F. Kane of San Mateo, a former state appellate court justice. Kane is currently on the board of directors of the Pacific Legal Foundation, a group that has often opposed CRLA in court. Another nominee is Robert Valois, a North Carolina attorney and former campaign aide to Republican Senator Jesse Helms.)

Reagan's policy of nominating board members not all together sympathetic with LSC has led to friction between the board and veteran legal service attorneys. That friction surfaced in September when the temporary board, to silence dissidents within the organization, ordered all regional LSC offices to stop talking with the press.

Board criticism has also generated investigations. This past September, for instance, the General Accounting Office in Washington revealed that an attorney for the Western Center for Law and Poverty in Los Angeles (a sister organization to CRLA) had used more than $60,000 in LSC funds to help defeat California Proposition 9, the 1980 state income tax cut initiative. The money had gone for salaries of WCLP staffers who worked against the initiative.

Once the country's largest legal services organization, CRLA now ranks fourth, after groups in Puerto Rico, New York City and Georgia. At its peak, it had about 78 attorneys; now, there are 55. In the past, CRLA has received one dollar out of every $40 spent for legal services for the poor. Today, that ratio is one dollar out of every $61 spent.

Legal Services' financial picture for 1984 appears somewhat brighter than in 1983, according to CRLA general counsel Ralph Abascal. But increases in funding probably will not trickle down to CRLA, Abascal adds, because of the needs among other groups also funded by the parent LSC. A positive for CRLA may be the loosening of limits on lobbying activity and defending aliens.

Yet, CRLA continues to tackle major issues affecting the poor. For instance, it has recently joined with other civil rights groups to challenge federal probes into the immigration status of people who request bilingual ballots, the cutoff of welfare benefits to citizen-children of alien parents and the denial of school lunches to children whose parents did not provide Social Security numbers to the federal Department of Agriculture.

The mechanization case

Insists Abascal, "We will not be cowed."

To prove the point, he cites a five-year CRLA endeavor — finally set for trial in January 1984 — that takes on the University of California. The most complicated case in CRLA history, it alleges that UC used public funds to develop agricultural machines that displaced farm workers and small farmers, increased food prices and contributed to urban and rural poverty. For example, the suit claims that 32,000 farm workers lost jobs because of a tomato harvester developed by researchers at UC-Davis. It further claims that UC officials benefited from royalties from companies that later sold the machines.

CRLA is asking the court to order that UC determine the impact of its research on small farmers and farm workers, then set up a fund equal to their patent royalties and use this fund for additional research to address the needs of

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those hurt by mechanization.

In the quarter ending June 30, 1983, CRLA handled 3161 cases, according to Jack Colburn, the organization's administrator. The largest number — 914 — involved housing. There were also 798 welfare, veterans' benefits and income-maintenance cases and 541 consumer-finance cases. The rest concerned employment, health, individual rights and family disputes. (A "case" does not always mean litigation; it may involve nothing more than counseling and referral.)

But lawsuits like the one against UC are expensive, and in an era of shrinking budgets, CRLA has sought a measure of fiscal independence. With State Bar help, it has gone to the Legislature to seek new funding sources. Two years ago, state lawmakers responded by requiring lawyers to place small amounts of money, held in trust for clients, into interest-bearing bank accounts (rather than non-interest accounts as required in the past). The interest was to be paid to the State Bar for distribution to legal service organizations. Since this program is just off the ground, there is no indication as yet how much money it will raise.

In addition, two new organizations have been formed to help CRLA raise cash and perform some of the work Congress has prohibited LSC from doing. The first is CRLA Foundation, a two-year-old non-profit organization that supports a variety of projects, including litigation and lobbying. For example, using a recent $20,000 grant from the American Bar Association, the Foundation put together teams of attorneys to serve rural aliens, a practice prohibited to the CRLA itself. With other grants, the Foundation has hired other attorneys to, among other things, investigate the federal Immigration and Naturalization Service for a rash of farm worker drownings and other accidental deaths that have taken place during INS field raids.

The Foundation operates on a $350,000 annual budget financed by grants and donations. Most of the money is funneled back to the CRLA itself through a series of contracts. And because the money comes from a private foundation and not from the federal government, CRLA may use Foundation funds on activities prohibited to it by Congress. The Foundation has a full-time staff of three as well as eleven part-time staffers.

The second organization, created during the spring of 1982, is known as the CRLA Federation. It is groups of former CRLA lawyers since laid off due to budget cuts. Still committed to the goals of CRLA, they are now engaged in private law practice throughout the state, yet have pledged to support CRLA activity by returning part of their earnings to the Foundation. After deducting expenses, their former CRLA salary and 20 percent for fringe benefits, these attorneys send the rest of their earnings to the CRLA Foundation. As for lawyers still employed by the CRLA, their salary scale starts at $14,850 and slides up to $32,037 after ten years. This is about $11,000 less than the starting salary for private attorneys in California.

The three organizations — CRLA, CRLA Foundation and CRLA Federation — have separate management. What they have in common, according to the Foundation's Claudia Smith, is "trying to hold together the mission of CRLA and keep it moving. We're real hustlers. We find ways of doing things. We don't take 'no' for an answer."

Ironically, by going the way of private funding to further its goals, CRLA is doing precisely what President Reagan would like to see happen — shifting the burden for its support away from taxpayers and on to private citizens who share those goals.

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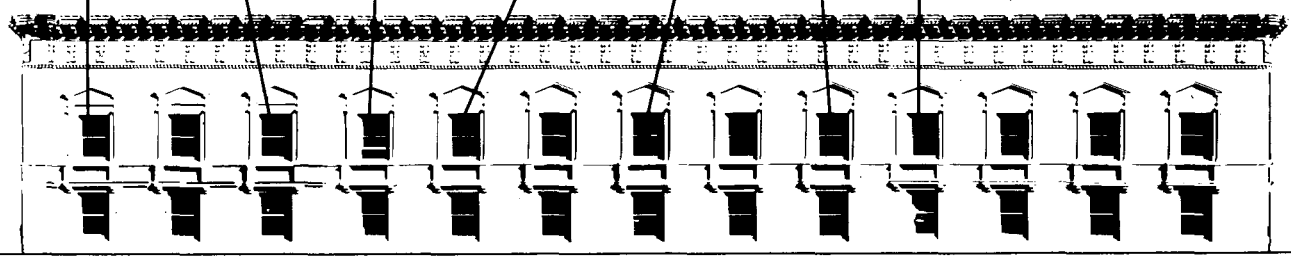

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Gordon Duffy charts a middle course on the environment

By RICK RODRIGUEZ

Of all Governor George Deukmejian's appointees, none has walked a tighter rope than Gordon Duffy, secretary of environmental affairs and chairman of the Air Resources Board. In ten months on the job he's had to deal with many of the hottest environmental issues: air pollution standards, off-shore oil and disposal of toxic wastes. And yet he's done it without alienating environmentalists or business interests — no mean feat for a member of a Republican administration that is mistrusted by the former and heavily supported by the latter.

"Gordon Duffy is as objective as anybody in this administration," says John Zierold, Sacramento lobbyist for the Sierra Club. "He isn't industry's person. He isn't environmentalists' person."

Says Tom Graff of the Environmental Defense Fund, "What he tries to do, unlike some other people in the administration, is to keep open lines of communication to all groups."

Adds Robert Monagan, a former Assembly speaker and president of the California Manufacturers' Association, "Some of our people get a little impatient with him, but he's done very well in reaching all sides. He hasn't 'Wattized' the issues."

A former Republican assemblyman from Hanford, Duffy says he never expected to have problems with his latest job. "I've never felt I was walking on eggshells, because I believe our state has to have industrial growth, and we have to have environmental protections. I don't believe those two ideas are contradictory." If nothing else, Duffy continues, clean air and water keep workers healthy. "What's good for the environment is also good for business," he says.

But while such statements sound good (and may even be true) there's a big difference between making them and keeping both sides happy. In Duffy's case, happiness comes from being friendly to all and being willing to give a little to both sides.

For instance, the ARB has denied industry requests to relax anti-smog standards for 1984-model diesel cars. "Pollution from diesel cars creates a health problem, but also an economic problem," Duffy said in denying the request.

On the other hand, Duffy recently asked the ARB to defer action on new air quality standards for industries, like oil and utilities, that produce sulfur dioxide emissions.

Duffy's stance on off-shore oil drilling also reflects an attempt to accommodate all sides. In October, for example, he negotiated a memorandum of agreement with the United States Department of the Interior in which the Deukmejian administration softened the state's former hard-line opposition to off-shore drilling near Santa Barbara and San Luis Obispo. In exchange, the federal government agreed to require that off-shore air pollution controls be as stringent as those on land. In addition, Interior agreed to protect marine life and beaches from oil spills and to prevent disrupton of commercial fishing and tourism. Duffy had also sought removal of 414 square miles from the federal off-shore leasing program but settled for a reduction of 340 square miles.

(Duffy's compromise may be moot because the Coastal Commission and 22 environmental groups filed suit against the Interior Department in November to prevent a major lease from occurring.)

Duffy has taken the same approach in the area of toxic regulation. During the Legislature's final days before recess this past September, Duffy helped push through a bill regulating airborne toxics. Although farm worker groups were unhappy with the bill, it passed with broad, bi-partisan support.

"Without Gordon working out some of the details, this bill would have not have passed," says James Carroll of the California Council for Environmental and Economic Balance, a business and labor coalition.

A model of moderation

Not surprisingly, not all are pleased by Duffy's efforts to please. For instance, Gerald Meral, executive director of the Planning and Conservation League, thinks Duffy's non-confrontational style may hamper his ability to maneuver within the administration. Says Meral, "If he's as concerned with the environment as he says he is, than the budget cuts (in his department) don't say much for his pull."

Meral was referring to the elimination of 22 staff posi-

Rick Rodriguez, a reporter for the Sacramento Bee, *wrote "Chavez, the Younger" for the October 1983* Journal.

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tions in Air Resources Board divisions that regulate industrial polluters.

The tall, gray-haired, 59-year-old Duffy was born and reared in the Kings County community of Hanford. A fourth generation Californian, he followed his father into the practice of optometry in Hanford after graduating from the University of California at Berkeley.

Duffy began his political career in 1962 with election to the Hanford City Council and in 1964 ran for the state Assembly. In November, as GOP presidential hopeful Barry Goldwater helped send most of the party into political oblivion, voters in a 62 percent Democratic district sent Duffy to Sacramento — the first Republican to win a partisan office in that district in 38 years.

Once in Sacramento, Duffy joined a group of "young turk" Republican legislators who were rebelling against an old-guard leadership. One of his colleagues then was William Bagley, a Marin County Assemblyman who is now a Public Utilities Commissioner. "We were a problem-solving group," says Bagley of the young turks. "It wasn't so much ideology; it was more of an attraction to something new and refreshing."

Duffy became a leader on health issues and was named chairman of the Assembly Committee on Public Health in 1966. Among other things, his bills authorized acupuncture treatments in California and allowed nurse practitioners to practice in the state. He was also an outspoken critic of former Governor Jerry Brown's failure to make timely appointments to the Board of Medical Quality Assurance.

(In January 1976, Duffy's Assembly colleagues passed a humorous resolution commending their health expert for being the last member of the Assembly Health Committee to quit smoking.)

Agricultural advocate

Duffy also championed agricultural interests, a necessity in his rural district. In 1978 he founded the bi-partisan Assembly Rural Caucus to help legislators from rural districts combat the urban majority. He was also critical of the United Farm Workers union and the Agricultural Labor Relations Board, a posture that enhanced his image with farmers but made him highly unpopular with the UFW. In 1980 Duffy and a Democratic assemblyman, the late John Thurman of Modesto, were sued for libel by the UFW, but the union never pursued the lawsuit.

Generally known as a moderate, Duffy supported Republican floor leader Paul Priolo against a leadership challenge from a latter day band of "young turks," the conservative GOP lawmakers first elected in 1978. Known as the "Proposition 13 Babies," they backed then-Assemblywoman Carol Hallett, who replaced Priolo as floor leader in 1979. Later, Duffy was removed from his influential spot as vice chairman of the Assembly Ways and Means Committee, and Duffy himself decided it was time to go. "I'm ready to do something different," he declared.

Something different, indeed. In 1982 he challenged one of the Democrat's strongest statewide candidates — Secretary of State March Fong Eu. For the first time in his career, Duffy lost — and by a two-to-one margin.

An uncertain future

Following the loss, Duffy was without a job and in the middle of a painful divorce. And although he seemed confident of a gubernatorial appointment or lucrative job in the private sector, associates noticed that the usually jovial Duffy had become quiet and less gregarious. "He's like a great, big teddy bear," says a friend. "But sometimes, the wild Irishman gets grumpy."

Eventually, he landed his current job and those who know him best say he's much as he was during his years in the Legislature. Notes Republican Assemblyman Bill Lancaster of Covina, a former Assembly seat-mate, "Since I've known him, he hasn't changed a whole lot."

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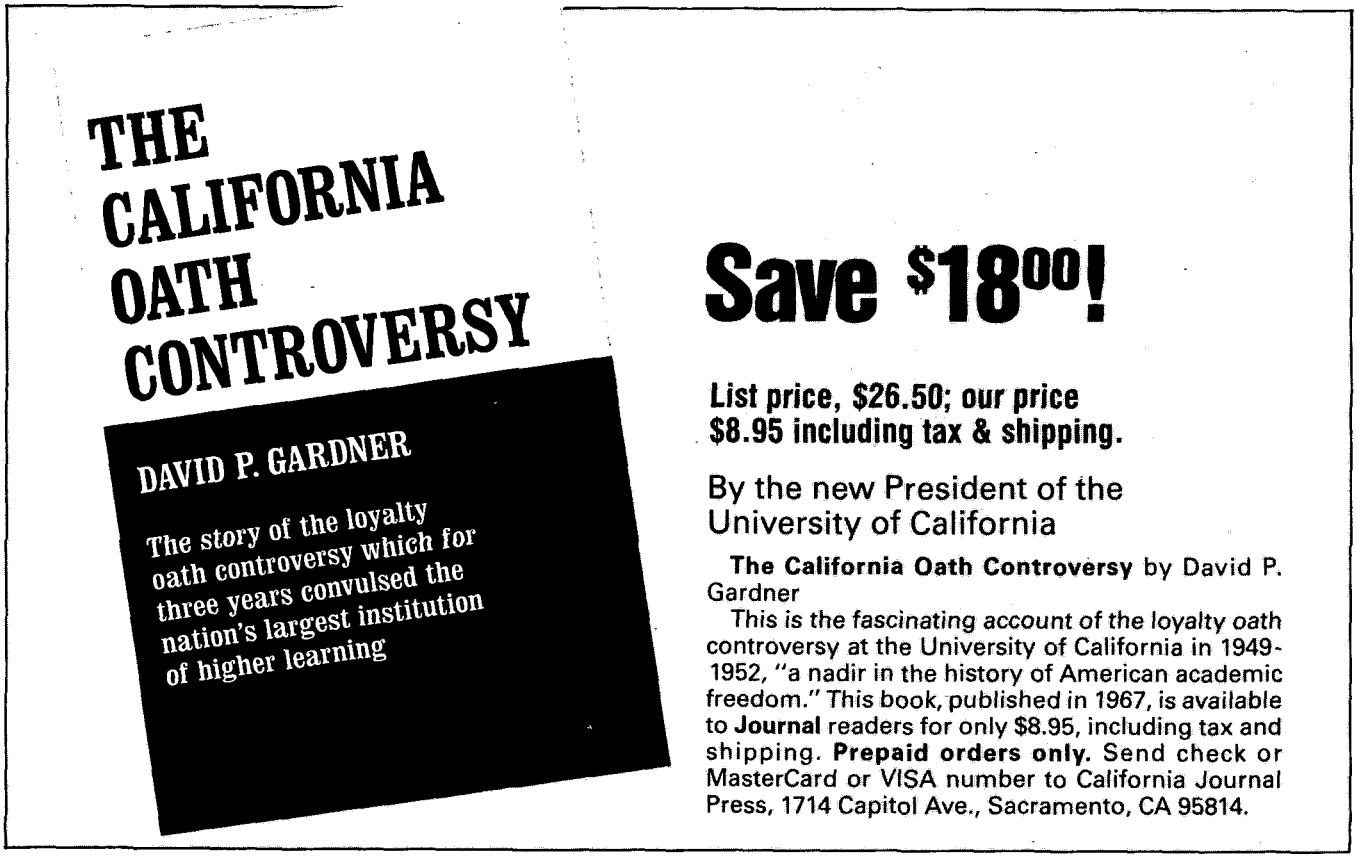
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PUNCHING HOLES IN THE WILLIAMSON ACT

ROBINSON'S BILLS HELP DEVELOPERS WHITTLE DOWN CALIFORNIA FARMLAND

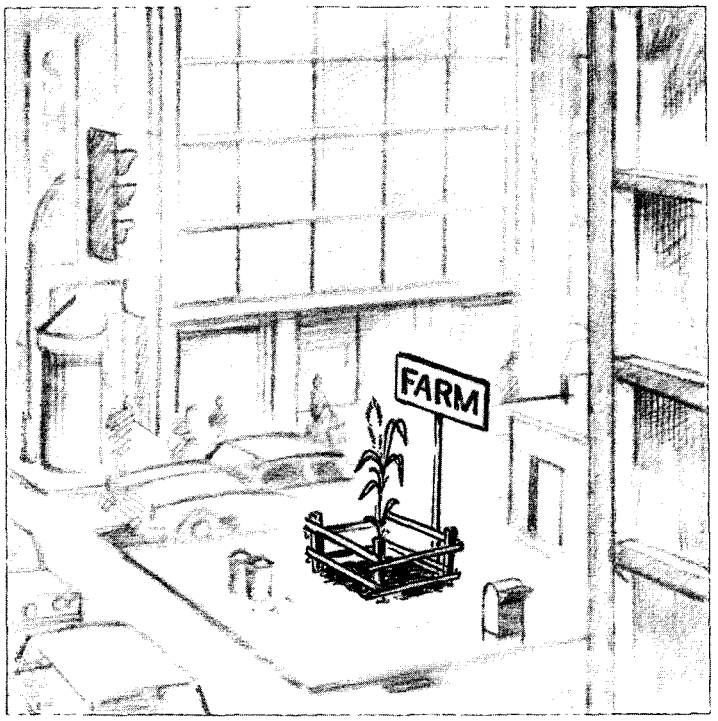
By DAN WALTERS

When Governor Deukmejian affixed his signature to AB 779 on September 30, 1983, he finished a new chapter in a two-decade-old battle over control of California's agricultural land. The legislation that he signed — casting aside some advice from his political advisers — punched new holes in the Williamson Act, a 1960s law aimed at curbing urban sprawl by giving agricultural landowners a break on their property taxes. Even before the governor signed, environmentalists and others who have pushed for farmland protection already were contending that the Williamson Act had degenerated into little more than a subsidy for some landowners.

With the new legislation — on behalf of a developer who wanted to plunk a 2000-acre development into San Diego County's outback — the Williamson Act lost a few more of its remaining teeth.

"I'm sure in places it (the act) is working," John Zierold, the Sierra Club's chief Sacramento lobbyist, said after passage of AB 779. "But in general it is not. It's turned out to be nothing more than a temporary tax shelter for people."

As adopted by the Legislature in 1965, the Williamson Act (named for then-Democratic Assemblyman John Williamson of Bakersfield) was designed to give farmers a break in their property taxes in return for their promise to keep their lands in agricultural production. For years, farmers had complained that the sale of farmlands for commercial or residential development pegged land values at unrealistically high levels. County assessors were required to use what were called "comparable sales" to establish tax assessments, and when farmland was sold for other reasons, the land values increased. That, farmers complained, forced the remaining farmers in a local area to sell their land for development because they could not afford the higher taxes.



Under the Williamson Act, local governments were allowed to drop the "comparable sales" method of assessing farmland if the farmer signed a contract pledging to keep the land in agricultural use for at least 10 years. In such cases, the land would be assessed under the "income" method, a system that ties the land's value to its actual agricultural earning capacity.

Since the income method generally resulted in much lower taxes, the Williamson Act produced an attractive deal for farmers. Not so pleased were the owners of urban commercial and residential properties who saw that lower rates for farmers meant higher rates for them.

The farmers battled urban businessmen and homeowners before county boards of supervisors throughout the state. But the farmers, who tend to be very influential in local politics, won all but a handful of the battles. Only one major agricultural county, Merced, did not implement the Williamson Act. For years, the Merced Board of Supervisors was split 3-2 over the matter.

Kings County, one of the smallest agricultural counties in the state but the home of some of California's largest agribusiness operations, saw one of the fiercest battles during the late 1970s. The farmers prevailed there, too, and ultimately 70 percent of the land of Kings County was placed under Williamson Act contracts — including vast acreages in the remote Tulare Lake Basin owned by the J.G. Boswell and Salyer agribusiness empires. At the peak, some 16 million acres — about 15 percent of all the land in the state — were placed under Williamson Act contracts and given the protection of income assessments.

From the beginning, Williamson Act critics questioned whether it was an effective tool to prevent urban sprawl. The lands most enthusiastically volunteered for Williamson Act protection, they observed, were the lands under the least development pressure, such as those in the Tulare Lake Basin, miles from any urban development. While some lands on the urban fringes went under contract, many other parcels were purposely omitted by their owners in hopes of reaping the profits of development. Two researchers for the University of California, studying the Williamson Act in 1971, concluded that, "The small proportion of land sign-ups adjacent to incorporated areas indicates that the Williamson Act is not yet accomplishing its objective of discouraging premature and unnecessary conversion of agricultural land to non-agricultural use."

Dan Walters is Capitol bureau chief for the Sacramento Union *and a frequent contributor to the* Journal.

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Was the Williamson Act a land-preservation measure or simply a tax break for farmers? "It was both, of necessity," says the author of the act, ex-Assemblyman Williamson, who is retired and now lives in Davis. Williamson explains that it was the only form of farmland protection that was politically feasible at the time.

The situation remained more or less static until 1978 when California voters gave themselves a whopping tax break by enacting Proposition 13. The measure more than halved tax bills, rolling assessments back to 1975 levels and imposing a two percent annual cap on subsequent increases. Owners of land under Williamson Act contracts did not benefit from that cut because their values were set under different procedures. Suddenly, however, non-Williamson Act lands were being given big tax breaks and, in at least some cases, taxes were lower under Proposition 13 than under the income approach.

Even then it was not a static situation. The income method is tied to prevailing interest rates. The higher the rates, the lower the land values. As interest rates soared, Williamson Act landowners breathed a little easier. But as they declined, many began agitating to get out.

Much of the pressure to escape the 10-year contracts was aimed at local government, for under the law, the local agency could allow the landowner to escape the contract if payment were made for back taxes plus penalties. Since the profits from land development often exceeded those losses, many developers and farmers demanded to be let out, and many local governments allowed them to be.

Environmentalists who saw the Williamson Act as a flawed but still valuable tool to prevent urban sprawl opposed those cancellations, and matters came to a head when the Sierra Club sued the City of Hayward over one contract cancellation. The case *(Sierra Club vs. Hayward)* reached the state Supreme Court in 1981 and the court handed the environmentalists a big victory when it ruled that local governments would have to be very stringent in allowing contract cancellations. Local governments were required to take into account the "public interest" as well as the local circumstances. Landowners seeking to escape from contracts would have to demonstrate changed conditions — not merely the prospect of higher profits — made agricultural operation unprofitable.

Not surprisingly, the decision touched off a political struggle that is still raging between development interests and environmentalists. (Former Supreme Court Justice William Clark, who has been named Interior Secretary, voted against environmentalists in *Hayward*.)

Enter Robinson

In 1981, Democratic Assemblyman Richard Robinson of Santa Ana carried a bill that created a six-month "window" during which property owners could cancel their contracts if two tests were met: the new land use would not result in discontiguous patterns of urban development (no leapfrogging subdivisions) and the new land use was in harmony with the local general plan.

After a sharp fight, the measure became law and the six-month window closed last January 1st. The state Department of Conservation says that 311 requests for cancellation were filed during the period. The most recent figures (April 30th) show 122 had been approved, 53 had been denied and 136 were still pending.

Although environmentalists had feared that opening the window would mean a wholesale slaughter of Williamson Act contracts, that seemingly was not the case. The 311 applications for contract cancellation involved fewer than 100,000 acres — less than one percent of all the land under contract. And local governments were approving only two-thirds of the acreage involved.

What isn't clear — and is the subject of some current study — is whether the lands for which contract cancellation was sought were the very lands adjacent to urban areas that Williamson Act contracts were designed to protect. If so, the window would have a larger effect than the numbers imply.

But before that could be known came this year's battle, the one involving AB 779 which Deukmejian signed on September 30th. Also carried by Assemblyman Robinson, AB 779 repeals one of the conditions that was part of Robinson's 1981 law. Gone now is the discontiguous rule aimed at preventing leapfrog subdivisions.

The major beneficiary of this change is Presenting, Incorporated, a development firm whose owners include several members of former Governor Jerry Brown's administration (former State Architect Sim Van der Ryn and Bill Press, former director of the Office of Planning and Research). Presenting had removed its Honey Springs Ranch site near Jamul in eastern San Diego County from the Williamson Act during the window period and now wanted to convert the scrub ranchland into a major housing development.

But environmentalists and local home owners sued, contending that the San Diego County Board of Supervisors erred in letting Honey Springs out of the contract because the proposed land-use did not meet the criteria laid down by the Robinson bill of 1981. Specifically, they contended that the Honey Springs development would not be contiguous with existing development.

An end run

The opponents lost in Superior Court and were appealing to an appellate court when the Honey Springs developers decided to by-pass the courts by making use of Robinson. The Honey Springs opponents tried to mount a counter-lobbying effort, but the developers hired James Neff and Terri Thomas, two former lobbyists for Brown, and pumped $5000 into legislative campaign funds. The bill moved smoothly through the Assembly and then through the Senate after being amended so that it applied only

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to San Diego County.

The legislation said that Williamson Act contracts could be cancelled even if they were not directly contiguous to developed areas but only if they would someday be contiguous. In the closing days of the session, the bill was changed again to make it apply statewide — thus broadening its potential impact — and it was sent to Deukmejian's desk. Several of the governor's advisers recommended a veto, saying it was a rare opportunity to simultaneously hurt Democratic politicians while repairing relations with the Sierra Club and other environmental groups. But Deukmejian signed it never-the-less.

With much less fanfare, another bill was enacted to allow the Tejon Ranch Co. — whose ownership is controlled by the parent company of *The Los Angeles Times* — to develop a resort and 3000 homes on land that had been in an agricultural preserve near Bakersfield.

ROBINSON

Environmentalists didn't oppose the Tejon Ranch bill because it contained a feature not part of other escape legislation — a requirement that an equal amount of farmland be placed under Williamson Act protection elsewhere in the area.

"The feeling was that the Tejon Ranch acted responsibly," said Sierra Club lobbyist Paula Carrell.

That is the approach that environmentalists would like to see on future modifications to the Williamson Act — but one they fear will not be taken as landowners seek to get out of contracts that offer relatively fewer tax breaks and prevent the profitable conversion into homes, factories and office buildings.

"I think the Robinson bill is not the end of this but the beginning," the Sierra Club's Zierold says.

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BOOKLET BONANZA

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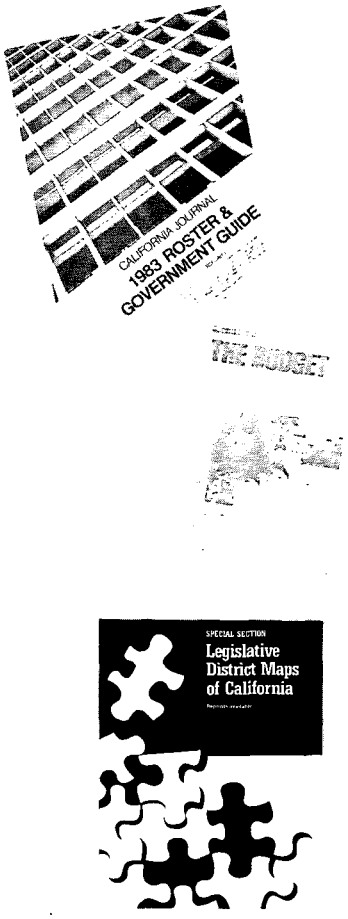

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ROSTRUM

Offshore oil

In the recent media coverage of hearings on offshore oil leasing, exploration and development (see "An offshore battleground," *CJ*, September, 1983), a salient point is being missed. That fact is the crescendo of support for offshore drilling and the oil industry in Ventura County — a county with a large coastline subject to the supposed environmental dangers.

The following Ventura County cities have passed resolutions against the proposed moratorium on offshore drilling and in support of the oil industry: Ventura, Port Hueneme, Santa Paula and Fillmore. The hearing brought out support from a variety of other groups outside the oil industry, such as the Ventura Economic Development Association, the Ventura County Chamber of Commerce, Operating Engineers Local No. 12, Building Trades Council, Ventura County Taxpayers Association, and Channel Islands Chapter of Retired Officers. Also testifying were many concerned Ventura County citizens and many oil organizations such as Desk & Derrick.

The cities, organizations and citizens of Ventura County are signifying their support because of the singular importance of the oil industry to the county and the knowledge that this country cannot regain economic stability and full employment until we regain full energy development.

Nor are the citizens of Ventura County paranoid about possible damage to their environment, knowing full well that more protection is available than one has a right to expect. They also are realistic about the extent of damage done by the Santa Barbara oil spill which many people today refer to as a "disaster." Yet no one has the guts to point out that, as a disaster, this was a very minor affair. No people were killed. There was no permanent damage to the environment, and what little damage there was to birds and animal life lasted but a few months.

Our deepest concern is for our country's safety. Look at the explosive situation between Iran and Iraq; it could blow up any minute. With that blow-up, our problem would not be limited to lines at the service stations. We could have to leave our cars parked in the garage or, perhaps, wherever our vehicles ran out of the last available drop of gasoline in the tank. Yet legislators are still seeking delays in the only program that is the country's second-highest source of income, and whose success is necessary to full employment and economic sanity.

PAUL GOLIS
Thousand Oaks

(Golis is executive director of "The Constituency for Public Awareness," a coalition of farming, development, oil and other interests.)

MCC

"There are none so blind as those who will not see." Reading a recent article ("California out-hustled, outbid," *CJ*, October 1983) by Lieutenant Governor Leo McCarthy brings that to mind. Mr. McCarthy keeps repeating that the loss of the high-tech MCC complex, with its 500-person payroll, to Texas was attributable to problems in education, housing and "collective will." Never once did he mention the high cost of doing business in California as a possible reason.

Consider a statement made by Larry Horwitz of Chase Econometrics with respect to the growth potential of various cities and areas. He said, "A lot of growth in Tucson, Arizona, is due to the fact that wages and other costs of doing business in California have grown by leaps and bounds." It is safe to assume that, if mounting business costs are driving businesses away from California, it certainly must have been an important factor in the MCC decision.

MARIO TILARO
El Cajon

Mentor programs

My remarks quoted in your October article ("Reform is here for the schools, but are schools ready for reform?" — *CJ*, October 1983) refer to objections to traditional merit pay proposals. However, I thought I had made it clear that, despite the intent language preceding the mentor-teacher provisions, we view the program as providing additional money for specific additional work. The term "mentor" appeared in the legislative arena in a comprehensive credentialing proposal developed by the Commission on Teacher Credentialing. The idea was to have experienced teachers provide support and assistance to teachers just entering the classroom, and to give these "mentors" the resources and time for that task. We strongly support that concept.

Reluctance to enter into the mentor program is coming initially because of the uncertainty of next year's funding, which was blue-pencilled by the governor. There is also uncertainty over what a mentor as described in SB 813 (the Hart-Hughes education bill) is supposed to be and do. Once this identity crisis is resolved, as it will be once teachers gain experience with it, I'm sure you'll see it widely used.

MARY BERGAN
Legislative Director
California Federation of Teachers

Population growth

Leo Rennert counsels us to regard population changes as "historical and cultural forces" that neither the state nor the federal government can much influence (see Rennert, *CJ*, October 1983). Yet I suspect that population growth is almost as controllable as economic growth — and political leaders at all levels certainly spend enough time trying to solve problems with the latter.

We as a nation already do influence fertility and mortality through a variety of policies and programs, and most observers believe we could get a good handle on controlling the numbers of immigrants — if there were the legislation and the funds. California could (and does) influence the same variables, although domestic migration is a tougher problem. But the surest way to fail at affecting growth is to regard the process as not worth trying.

The Sierra Club thinks the prospect of 31 million Californians in the year 2000 and 37 million in the year 2020 is bad news. A good first step for California might be for political leaders at all levels to say whether they agree or whether they are pleased at the prospect of having to accommodate 13 million more people. Establishing a population goal for the state and figuring out how to achieve it would be the next steps.

JUDITH KUNOFSKY
Director, Population & Growth Policy Program
Sierra Club, San Francisco

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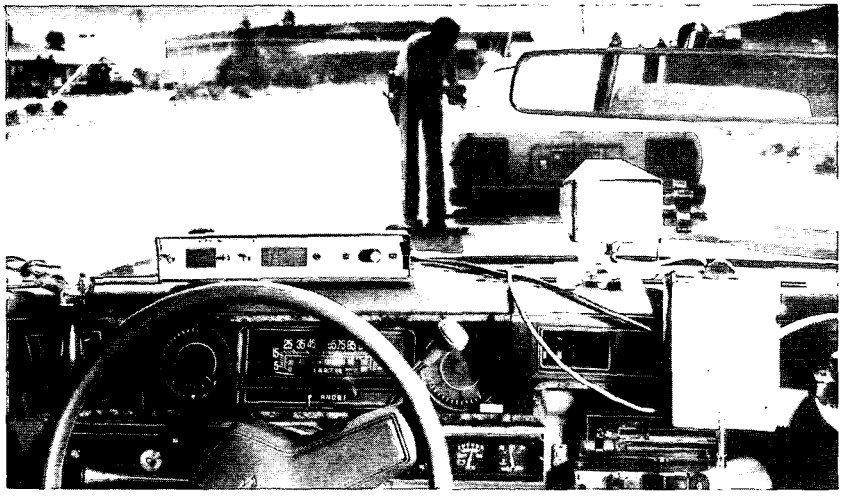
Freeways remain radar-free, but CHP using it on county roads

By CHARLES McFADDEN

It's a beautiful day, and you're zipping along a freeway at 65 miles per hour. Too late, you see the glaring red light in your rear-view mirror. The state Highway Patrol, using radar to spot you exceeding the speed limit, has pulled you over.

If that has ever happened to you, one thing is for sure: It didn't happen in California.



Every state patrol in the United States uses radar to enforce speed limits on freeways. With one exception — the California Highway Patrol. But now, the CHP is cautiously beginning to use radar to catch speeding motorists — if not on freeways, at least on county roads.

For nearly two-decades the CHP has wanted to use radar to catch speed violators on California's 5,000 miles of freeways. So far, the Patrol has been stymied by a coalition of forces:

— the Teamster's Union, which argues that the CHP needs more patrol cars on the freeways, not radar;

— Democratic Assemblyman Lou Papan, chairman of the Assembly Rules Committee, who says the job of nabbing speeders is secondary to the Patrol's duty to help distressed motorists; and

— a vague feeling on the part of many voter-motorists that the use of radar is somehow unsportsmanlike — that it unfairly upsets the cat-and-mouse game between sharp-eyed speeder and sharp-eyed patrolman.

"Radar," a coined word for "radio detection and ranging," makes use of the fact that objects like ships, baseballs and speeding cars reflect radio frequency energy. By bouncing a radio beam off the object, a radar operator can tell which way it's going, how far away it is and how fast it's moving.

It's that last bit of data that first attracted the attention of law enforcement agencies during the late 1940s and early 1950s. The first radar units were bulky and had to be kept stationary while in use. Later models, with miniaturized components, could be carried more easily in a police car and used while both patrol car and target car were moving. Approximately 100,000 radar units are now in use nationwide, and they've become as much a part of police work as fingerprints and ballistics tests.

But not in the California Highway Patrol.

Charles McFadden is a freelance writer from Sacramento.

Glenn Craig, CHP commissioner in 1980, managed that year to get approval through the state Senate for statewide CHP radar use. But his effort was shot down in the Assembly. The next year, Craig had hoped to use a federal grant to buy 800 radar units for his patrol. The money — nearly $1 million — would have come from a pool of funds set aside by the federal government to enhance enforcement of the 55-mph speed limit. The Legislature also refused to go along with that deal, saying the money could better be used for other traffic-enforcement measures.

But, while Craig was being frustrated by state lawmakers, there was movement on another front. The Orinda Association, representing homeowners in that unincorporated, upper-income area of Contra Costa County, asked the CHP to begin using radar to enforce traffic laws on its rural roads, highways and surface streets. This invitation was "due to the minimal impact resulting from conventional enforcement methods," according to a CHP report on the Orinda project.

Traditionally, the Highway Patrol has shared jurisdiction for enforcing traffic laws in unincorporated areas with county sheriffs. But what made the Orinda experiment unique was that someone other than the state bought the CHP a radar unit — something the California Legislature had thus far refused to do.

Actually, there is no legal bar against the use of radar by the CHP. The Legislature has merely refused to appropriate any money to buy the units. It had no objection, however, when someone else — the Orinda Association and the county — ponied up the money, then invited the Patrol to use radar.

In July 1981 CHP officers began using radar on Orinda-area surface streets, creating something of a paradox: The CHP could now use radar to nab speeders on county roads and surface streets, but not on its primary jurisdiction, the state freeway system. On the other hand, county sheriffs and local police departments could use radar on freeways (although most do not because their primary jurisdiction is over surface streets and county roads).

During the first six months of the Orinda operation, citations climbed to four times the 1979 level and 3.5 times the 1980 level, warnings to motorists zoomed 18 to 20 times over the two previous years, speeding declined by an average of 36 percent and "reportable" (non-fender-bender) accidents on radar-targeted roads dropped by 40 percent.

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The Orinda statistics prompted other local jurisdictions to seek CHP use. In addition to Orinda, the Patrol now employs radar on surface streets in the El Cajon area of San Diego County and in its North and South districts of Sacramento County. In Santa Barbara County, the Patrol is using radar in the final testing phase before implementation — stopping speeders but not issuing citations. Alameda, Orange and Nevada counties are in the process of authorizing radar use for the CHP.

CHP spokesman Kent Milton says up to eight additional counties have possible radar ventures under consideration. If those eight join the fold, the CHP would be using radar in 14 of California's 58 counties, including several of its most populous.

Isn't all this just a sneaky way of getting the CHP into the radar business? No, says the CHP. "We're not out there beating the bushes to get all these local jurisdictions stirred up," says Milton. "They've been coming to us."

As long as it confines its use of radar to suburban surface streets, the Patrol will not run afoul of Assemblyman Papan, a former FBI agent.

"Where the CHP assists county government in patrolling streets and areas near schools, I have no problem with it," he says.

Papan, a Millbrae Democrat, has been nicknamed "Leadfoot Lou" for the number of speeding tickets collected during fast auto trips between his district and Sacramento. As a result, some critics contend Papan's opposition to CHP radar on freeways stems from anger over these tickets. This Papan denies — heatedly. Radar wouldn't change his situation anyway because, as he says, "I'm still getting tickets" without radar.

And — with radar. On the afternoon of March 28th, Papan was cited by a Davis police sergeant for speeding on Interstate 80 west of Sacramento. The officer, using a radar gun, clocked the Assemblyman at 85 mph. He eventually paid a $70 fine.

(Papan's driving record in recent years is not quite as gaudy as publicity would have it. Department of Motor Vehicle records show he has been ticketed three times since December 1980 — once in 1980, none in 1981 and 1982 and twice thus far in 1983.)

A ticket for "wasting energy"

Obviously, Nevada doesn't think very highly of the nation's 55-mile-per-hour speed limit. For the past three years, drivers caught zipping along on their highways at between 55 and 70 mph have been issued citations for "wasting energy" rather than for speeding. "Wasters" are fined five dollars (plus $10 in court costs). More important, this kind of ticket does not count toward revocation of a Nevada driver's license. There is, therefore, no limit to the number of so-called environmental violations a Nevadan may receive.

But lest you, as a Californian, think you can blithely roar around our neighbor's highways, be warned that Nevada tells the California Department of Motor Vehicles about all tickets it issues to California motorists. And our DMV converts each "wasting energy" citation into one point toward revocation of your California license. Three points in any 12-month period may convert into a visit to your friendly DMV driving counselor. Four points during that same period means you take the bus.

Papan displays a long-standing frustration over the subject when he explains that his opposition to CHP radar on freeways overemphasizes the law-enforcement aspects of the CHP's job. He says it would go the extra mile to put the Patrol into the ticket-writing business to the detriment of its public service responsibility.

"They're not out there just to ticket people," he argues.

The Teamsters, representing truck drivers who ply California freeways, oppose use of radar on freeways by the CHP but have supported legislation to increase its manpower.

"The moving patrol car is the best deterrent to violations," says Teamsters' spokesman Gerald O'Hara.

The argument leaves unanswered the question of how equipping the CHP with radar would lessen its visibility. Papan says if patrolmen were handed radar, "They'd be preoccupied with it," thereby paying less attention to making themselves noticed.

But CHP officials argue that radar increases a patrol car's "visibility halo," slowing down motorists who pass through areas where radar is known to be used, just as they slow down when spotting a black-and-white patrol car.

"I look upon radar as being an enforcement tool, no more, no less. It enhances the officer's ability to more quickly detect and apprehend speeding violators," says CHP Commissioner James Smith, a tough, engaging man appointed to his job last March by Governor George Deukmejian.

Last year, Papan sponsored successful legislation that authorized up to 670 new officers for the CHP. Nearly half of those officers have been trained and are now on-line, swelling the CHP's ranks to 5200 officers, 4300 of whom are on patrol. Also last year, former Commissioner Craig abandoned efforts to acquire radar for use on the freeways. Despite the timing, both new Commissioner Smith and Assemblyman Papan deny a trade off was made that would soak taxpayers for the salaries of up to 670 new patrolmen in return for no CHP radar.

"I don't think radar would have accomplished the same thing (as additional officers)," says Smith. Papan points out that his bill merely brought the CHP's strength back to where it had been during the last year of the Reagan administration, recouping attrition losses that had taken place during the administration of Governor Jerry Brown.

The radar issue revolves partly around the wisdom of continuing the 55-mph speed limit. The federal government, which controls interstate highway construction money, originally imposed the limit in January 1974 to conserve fuel.

Smith supports the 55-mph limit except on some rural stretches of interstate freeways.

"I have strongly advocated that the federal government, with careful examination, allow the states, selectively, and in those locations only, to raise the limit to 60 or 65 mph," he says. "I'm not advocating abolishing the 55 limit. There are a lot of highways that never should have been 65."

Whatever the cautious public statements of Smith and other members of the Patrol's high command, a visitor to CHP headquarters in Sacramento comes away with the impression that the Patrol is biding its time. If there is no chance now of winning legislative approval, perhaps the record of CHP radar on surface streets will start some spontaneous combustion inside the Capitol. Some CHP people point to the legislative elections in 1984, saying that legislators have been known to change their minds, especially after pressure from within their districts. They then quote a recent editorial in the *Los Angeles Times* that scolded the Legislature for not allowing the CHP to use radar on freeways. Given the new interest by counties in arming the Patrol with radar, the *Times* editorial is not likely to be the last word.

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UC election means more power for public-employee union

By CHARLES PILLER

One of the nation's most powerful AFL-CIO organizations is likely to become a major player in California state government and politics, thanks to the results of a high-stakes election last June. When the balloting was done, more than 30,000 University of California staff employees — the non-teaching people who do jobs like mow lawns and serve as hospital aides — had decided to be represented by the American Federation of State, County and Municipal Employees (AFSCME).

Because of the election, the union nearly doubled the number of California public employees it represents (from the previous 30,000, most of whom where municipal workers in Los Angeles, San Jose and Santa Clara). And next spring it may become even bigger and more powerful. The 82,000-member California State Employees Association (CSEA) is likely to affiliate with the AFL-CIO and could do so through a merger with AFSCME. If so, AFSCME would become one of the two biggest public employee unions in the state. (The California Teachers Association, which represents over 200,000 workers, currently describes itself as the state's biggest public-employee union.)

What kind of an organization is AFSCME?

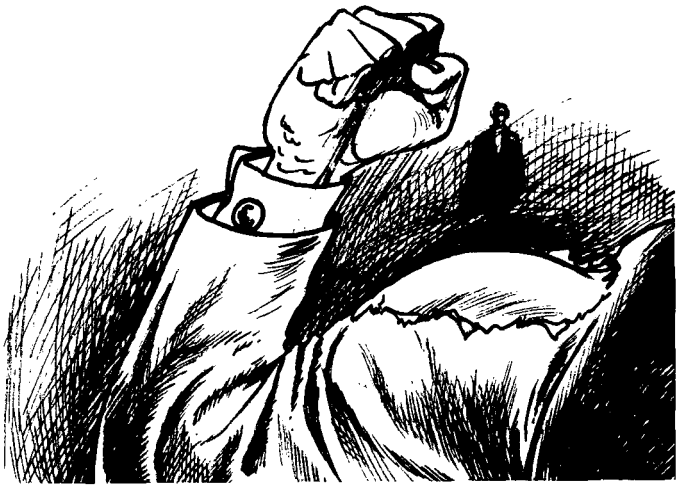
Founded in 1930, AFSCME grew out of the Wisconsin Public Employees Union. Initially a white-collar labor organization, by the 1960s it had begun to recruit crafts workers and laborers. A new constitution in 1965 stressed a strong rank-and-file role in union affairs and made the enactment of collective-bargaining laws throughout the country a top priority.

Aggressive expansion

Since 1964 the union has grown by an average of nearly 800 members a week and now represents some 1.75 million Americans. This growth pattern is in stark contrast with the rest of the labor movement, which experienced an overall decline from 30 percent to 20 percent of the work force during the decade of the 1970s. AFSCME was able to thrive because it was not involved with industries like steel and automobile manufacturing that were suffering from recession and foreign competition. It also thrived because, since the 1960s, the trend toward unionization has steadily increased in the public sector.

AFSCME's size has also ballooned through mergers with several smaller, independent public-employee unions. In 1978, for example, the 250,000-member Civil Service Employees Association of New York State became an AFSCME local. In 1982 an Arizona association did likewise. Now AFSCME has set its sights on CSEA. Nor does it appear it will stop there. Although he would not elaborate, Les Chisholm, AFSCME's assistant area director in Oakland, indicated that ASFCME is also pursing merger with other independent public-employee associations in California.

Charles Piller, a San Francisco-based writer, is an editor of Synapse, *a health science newsweekly published by the University of California, San Francisco.*



Beyond merger with CSEA and others, AFSCME plans an aggressive expansion program in California. According to Chisholm, his union is interested in organizing employees of community college districts as well as of cities and counties. It also plans to go after the bargaining units within UC that have either not yet voted for representation (two groups of research professionals totalling some 12,000 workers) or voted against AFSCME (4100 technicians who, by 72 votes, decided not to be represented in collective bargaining).

If all of AFSCME's dreams come true, the union's impact on California politics might prove as substantial as it has in other states. According to Ohio Democratic Party chairman Jim Ruvolo, AFSCME helped Democrats seize control of the Legislature and the governorship in 1982 by providing 10 get-out-the-vote phone banks and an army of volunteers. In Chicago's recent mayoral election, AFSCME provided winner Harold Washington with three full-time campaign coordinators and more than 500 volunteers. And an aide to Democratic Governor Mario Cuomo of New York credits AFSCME with playing a key role in Cuomo's upset primary victory over New York City Mayor Ed Koch, as well as in the general election.

Nor is AFSCME cheap when it comes to campaign contributions, a fact that must warm the hearts of many a California liberal. In 1982 the union spent $2.5 million nationwide to elect mainly left-of-center Democrats. To capitalize on that clout, it maintains a staff of six lobbyists on Capitol Hill in addition to offices in state capitals from Albany to Sacramento.

AFSCME's politics — historically, an emphasis on minority and women's rights — were shaped by the late Jerry Wurf, the union's president for more than a decade prior to his death in 1982. Wurf embodied a militance and progressivism that was once the hallmark of organized labor — before a small number of crooks and conservative bureaucracies made labor leaders among the least-trusted public figures.

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Lately the union has been a pioneer in the area of comparable worth. Long an issue with feminist groups, comparable worth is based upon a simple premise: People who perform different jobs which require equivalent education or training, and are of equal value to an employer, should receive equal pay.

In 1981 AFSCME helped municipal workers in San Jose gain the first comparable-worth contract in the United States. The union also provided legislative support this past year to help pass a bill that required UC to conduct and make available a comparable-worth study for use in salary negotiations.

UC opposition

The UC victory did not come easily.

For years university officials had opposed collective bargaining for its employees. In fact, although most state workers had had bargaining rights since 1935, UC employees weren't granted them until passage of the Berman Act in November 1978 (named for its author, then-Assemblyman Howard Berman of Los Angeles). Even then, it took until May 1983 for the state Public Employee Relations Board to certify bargaining units (groups of employees with similar occupations) throughout the system. That set the stage for elections.

Not that the state was necessarily dragging its feet during those five years; the university was simply a huge entity to organize. At $4.1 billion, UC's budget exceeds the Gross National Product of one-third of the world's nations. Two of its campuses — Berkeley and Los Angeles — individually rank among the top five universities in the land. With 100,000 total employees, UC teaches 140,000 full-time students and 360,000 more through its extension centers.

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Once the certification process was complete — and a union election imminent — university administrators prepared to defeat it. In November 1982, UC regents authorized spending $157,000 on a series of anti-union publications. In addition, they allowed administrators, department heads and supervisors to use school time to lobby employees on the evils of collective bargaining.

For its part, AFSCME worked through university employees who were already its members. Before the election, AFSCME had small locals on most UC campuses. At Berkeley, for instance, an AFSCME local had been established as long ago as 1948 to represent whomever it could recruit as members, and by election time it had managed to sign-up about 10 percent of Berkeley's blue-collar and clerical workers.

According to Chisholm, those employees proved important to the election battle because they countered the university's argument that the union was basically an outside force. "We were already engrained as part of the university," says Chisholm. "We were part of the mosaic."

To beat UC, the union used mailings, radio and television ads and — most importantly to Chisholm — personal contact with employees. AFSCME members distributed literature to co-workers and invited them to meetings with union officials. According to most observers, it was a well-organized, well-executed "battle plan."

Archie Kleingartner, former vice president for academic and staff personnel relations, led the university's anti-union campaign. He believes that many employees voted for the union "in the belief that something would happen that, frankly, collective bargaining does not have the capacity to deliver on." For example, he points out that the bulk of staff salaries come out of a state budget that is tightly controlled by the governor and Legislature.

(The experience of state workers tends to support this view because in recent rounds of collective bargaining, the state's fiscal crisis simply overshadowed negotiations and pay scales were frozen.)

Yet in the year before the election, top UC administrators received average salary increases of more than $2600. David Gardner, the new president, was awarded a much-publicized $150,000 salary — 60 percent higher than that of his predecessor. Kleingartner insists that if all top administrators were paid lower salaries, and the difference applied to staff, it would hardly make a dent. That argument, however, evidently failed to sway the university's rank-and-file. After a two-year wage freeze, they voted overwhelmingly to unionize.

A peculiar relationship

UC and its employees form a peculiar kind of adversarial relationship. According to union polls, staff sees its interests inextricably linked with the university. Key players can't be painted with broad strokes.

Marianne Moore, for example, is a clerical worker in the Berkeley campus' Comparative Literature Department. "I'm basically the go-between for the academic world and the bureaucracy," she explains. Moore loves her job, yet she's a union activist. "Although I'd love to have a raise," she says, "to me, that's not the main issue. It's really important that employees have a recognized voice." It's a matter of respect, she says, not as easy to measure as money in the bank.

"It's not 'Norma Rae' around here," she adds. "But there are a lot of dinosaur attitudes that will take a long time to change. 'Have one of the girls do it,' signifies administrators' attitudes toward staff." For Moore, the union is the best hope for positive change. "(The union) is just people who sit there and type all day and think (they) ought to get a better deal."

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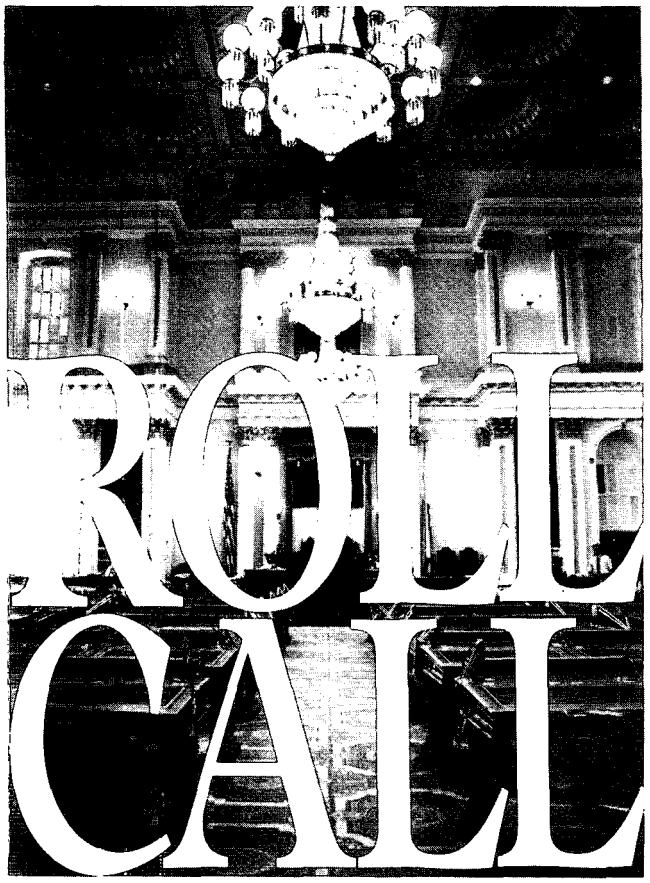

A defeated bill often has more votes in favor than against. This occurs because all bills, on the floor and in committee, need at least an absolute majority to pass. Thus, a bill may be approved 40-28 in the 80-member Assembly but be defeated because it failed to get the 41-vote majority. Urgency, appropriation and tax measures require two-thirds majorities on the floor, as do proposed constitutional amendments and veto overrides.

(Although these votes were taken before the Legislature's September recess, we present them to show the members' positions on various issues.)

ASSEMBLY

JOB BIAS SUITS

AB 524 (Harris). Would award attorney's fees and court costs up to $7,500 to any state employee who wins a job discrimination or sexual harassment appeal. Supporters say state employees shouldn't bear the entire costs of a complaint. Opponents say attorney's fees shouldn't be paid from state funds. Passed 43-25, Sept. 7th.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bates, Bronzan, W. Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Katz, Killea, Klehs, Margolin, McAlister, Molina, Moorhead, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Vicencia, M. Waters, Young.

REPUBLICANS FOR: Mojonnier, Stirling.

DEMOCRATS AGAINST: None

REPUBLICANS AGAINST: Allen, Bader, Baker, Bergeson, Bradley, D. Brown, Frizzelle, Herger, Hill, Johnson, Kelley, Konnyu, Lancaster, Leonard, Lewis, McClintock, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Statham, Wright, Wyman.

FIREARM LIABILITY

AB 75 (Mcalister). Would absolve firearms manufacturers and sellers of liability when a gun causes injury or death. The National Rifle Association argues that the bill protects manufacturers and sellers in third party liability actions. Opponents contend the bill impinges upon product liability law. Urgency clause refused adoption 45-17, Sept. 7th.

DEMOCRATS FOR: Areias, Bronzan, Chacon, Clute, Condit, Costa, Hauser, Katz, Killea, McAlister, Moorhead, Papan, Peace, Robinson, Vicencia, N. Waters, Young.

REPUBLICANS FOR: Allen, Bader, Baker, Bergeson, Bradley, D. Brown, Frizzelle, Herger, Hill, Johnson, Kelley, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mojonnier, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Statham, Stirling, Wright, Wyman.

DEMOCRATS AGAINST: Agnos, Alatorre, Bates, W. Brown, Connelly, Davis, Farr, Floyd, Hannigan, Harris, Hayden, Klehs, Margolin, Molina, Sher, Tanner, M. Waters.

REPUBLICANS AGAINST: None.

FEMALE-DOMINATED JOBS

AB 1580 (Klehs). Requires cities and counties to set salaries for female-dominated jobs based on the comparable value of the work performed. Sponsors say the bill will eliminate unequal salaries based on sex. Opponents argue that the Equal Pay Act already protects such employees. Passed 45-29, Sept. 6th.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, W. Brown, Calderon, Campbell, Clute, Condit, Connelly, Cortese, Costa, Davis, Elder, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, Molina, Moorhead, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, M. Waters, N. Waters, Young.

REPUBLICANS FOR: Bergeson.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Allen, Bader, Baker, Bradley, D. Brown, Felando, Filante, Frazee, Frizzelle, Herger, Hill, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mojonnier, Mountjoy, Nolan, Rogers, Seastrand, Sebastiani, Statham, Stirling, Wright, Wyman.

POLICE OFFICERS

SB 382 (Petris). Requires police officers to pass a statewide proficiency examination. Backers say there is a need for uniform proficiency standards. Critics argue that the bill removes local control of training programs. Passed 46-23, Sept. 2nd.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, W. Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Elder, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Killea, Klehs, Margolin, McAlister, Molina, Moore, Papan, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vicencia, N. Waters.

REPUBLICANS FOR: Bader, Bergeson, Konnyu, McClintock, Wright.

DEMOCRATS AGAINST: Katz, M. Waters.

REPUBLICANS AGAINST: Allen, Baker, Bradley, D. Brown, Filante, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Leonard, Lewis, Mojonnier, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Wyman.

TEACHERS

SB 583 (Torres). Requires future teachers to be trained in the instruction and supervision of students from diverse cultural and linguistic backgrounds. Supporters state that a proper learning environment should include teachers who have an understanding of different cultures. Critics believe it to be unnecessary. Passed 44-31, Sept. 1st.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, W. Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Davis, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Johnston, Katz, Killea, Klehs, McAlister, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, M. Waters, Young.

REPUBLICANS FOR: Stirling.

DEMOCRATS AGAINST: N. Waters.

REPUBLICANS AGAINST: Allen, Bader, Baker, Bergeson, Bradley, D. Brown, Filante, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mojonnier, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Statham, Wright, Wyman.

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SENATE

LOCAL GOVERNMENT FUNDING

SCA 23 (Ayala). Constitutional amendment to allocate a portion of vehicle license fees and cigarette taxes for local government services. Supporters want to guarantee future funding for local governments. Opponents criticize the measure as hastily conceived. Passed 27-5, Sept. 7th.

DEMOCRATS FOR: Ayala, Boatwright, Deddeh, Garamendi, B. Greene, Keene, Lockyer, McCorquodale, Mello, Montoya, Presley, Roberti, Rosenthal, Stiern, Torres, Vuich, Watson.

REPUBLICANS FOR: Craven, Davis, Doolittle, Ellis, Johnson (Ind.), Marks, Nielsen, Royce, Russell, Seymour.

DEMOCRATS AGAINST: Alquist, Dills, Foran, L. Greene.

REPUBLICANS AGAINST: Beverly.

SB 1231 (McCorquodale). Restores an additional $600 million for local governments originally cut by the governor. Proponents say funding will prevent dramatic reductions in local services. Critics say this bill is not the solution to local government funding problems. Failed 23-11, Sept. 7th.

DEMOCRATS FOR: Alquist, Ayala, Boatwright, Carpenter, Deddeh, Dills, Garamendi, B. Greene, L. Greene, Hart, Keene, Lockyer, McCorquodale, Mello, Montoya, Petris, Roberti, Rosenthal, Stiern, Torres, Vuich, Watson.

REPUBLICANS FOR: Marks.

DEMOCRATS AGAINST: Foran, Presley.

REPUBLICANS AGAINST: Davis, Doolittle, Ellis, Nielsen, Richardson, Royce, Russell, Seymour, Speraw.

CAMPAIGN FINANCING

AB 1751 (Johnson). Provides public financing of political campaigns and places limitations on campaign contributions. Supporters believe it will eliminate special interest funding of campaigns. Critics contend that it insures the re-election of incumbents. Failed 15-21, Sept. 6th.

DEMOCRATS FOR: Alquist, Deddeh, Dills, Garamendi, Hart, Keene, Lockyer, Petris, Presley, Roberti, Stiern.

REPUBLICANS FOR: Ellis, Maddy, Marks,Russell.

DEMOCRATS AGAINST: Ayala, Boatwright, Carpenter, Foran, B. Greene, L. Greene, McCorquodale, Montoya, Rosenthal, Torres, Vuich, Watson.

REPUBLICANS AGAINST: Beverly, Craven, Davis, Doolittle, Johnson (Ind.), Richardson, Royce, Seymour, Speraw.

LIE DETECTOR TESTS

AB 346 (Floyd). Prohibits polygraph tests as a condition of public employment except for law enforcement jobs. Proponents believe that public employees have the same rights as those in the private sector. Opponents feel that proper screening of civil service applicants is a reasonable precaution. Passed 22-15, Sept. 6th.

DEMOCRATS FOR: Alquist, Carpenter, Deddeh,Dills, Foran, Garamendi, B. Greene, L. Greene, Hart, Keene, Lockyer, McCorquodale, Petris, Roberti, Rosenthal, Torres, Watson.

REPUBLICANS FOR: Beverly, Craven, Maddy, Marks, Seymour.

DEMOCRATS AGAINST: Ayala, Boatwright, Montoya, Presley, Stiern, Vuich.

REPUBLICANS AGAINST: Davis, Doolittle, Ellis, Johnson (Ind.), Nielsen, Richardson, Royce, Russell, Speraw.

LEGISLATORS' PAY RAISE

AB 2187 (Papan). Senate vote on the salary increases for legislators and the governor. Passed 31-7, Sept. 1st.

DEMOCRATS FOR: Alquist, Ayala, Boatwright, Carpenter, Deddeh, Dills, Foran, Garamendi, B. Greene, L. Greene, Hart, Keene, Lockyer, McCorquodale, Montoya, Petris, Presley, Roberti, Rosenthal, Torres, Watson.

REPUBLICANS FOR: Beverly, Campbell, Craven, Davis, Ellis, Maddy, Marks, Nielsen, Russell, Seymour.

DEMOCRATS AGAINST: Mello, Stiern, Vuich.

REPUBLICANS AGAINST: Doolittle, Johnson (Ind.), Royce, Speraw.

STATE EMPLOYEE PAY HIKE

SB 123 (Alquist). Attempted override of governor's veto of three of the Legislature's proposed eight percent cost-of-living increase for state employees. Failed 23-9, Sept. 1st.

DEMOCRATS FOR: Alquist, Ayala, Carpenter, Deddeh, Dills, Foran, Garamendi, B. Greene, L. Greene, Hart, Keene, Lockyer, McCorquodale, Mello, Montoya, Petris, Presley, Roberti, Rosenthal, Stiern, Torres, Vuich, Watson.

REPUBLICANS FOR: None.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Campbell, Davis, Ellis, Nielsen, Richardson, Royce, Russell, Seymour, Speraw.

California Growth in the 80's: Update 1983, Center for Continuing Study of the California Economy, 610 University Drive, Palo Alto 94301, 1983. 189 pp. Examines California growth, including economic trends and growth comparisons for nine economic regions.

Outlook 4: Crime (January through June 1983) in Selected California Jurisdictions, Office of the Attorney General, 1515 K Street, Suite 511, Sacramento 95814, August 1983. (Vol. I, No. 4) 10 pp. The official criminal statistical summary, published quarterly. For the first time in 30 years, shows a decrease in major reported crimes.

New Partnership Task Force on State and Local Government Interim Report, Office of the Governor, State Capitol, Sacramento 95814, October 1983. 42 pp. Recommendations to the governor on revising the financial relationships between state and local government, including the streamlining of functions and the achievement of economies.

The Williamson Act After Proposition 13: Still a Bargain, Department of Conservation, 1416 9th Street, Sacramento 95814. August 1983. 11 pp. Examines the effectiveness of the Williamson Act in protecting agricultural and open-space land from premature or unnecessary conversion to other uses.

Selection of the New Medi-Cal Fiscal Intermediary, State Auditor General, 660 J Street, Suite 300, Sacramento 95814. September 1983. 30 pp. One dollar. Evaluation of the state's effort to select a new claims processing contractor for the $4 billion Medi-Cal program.

The Bureaucracy of Care, Commission on California State Government Organization and Economy ("Little Hoover Commission"), 11th & L Building, Suite 550, Sacramento 95814. August 1983. 365 pp. $14.40 (incl. tax). Forty-page executive summary also available for $1.80. Study of nursing home services and regulations. The report makes sixty recommendations for sweeping legal and regulatory reforms.

Policy Alternatives for Financing California Community Colleges in 1983-84, Staff Report of the California Postsecondary Education Commission, 1020 12th Street, Sacramento 95814. August 1983. 21 pp. The report concludes that the level of support for community colleges is inadequate and threatens their continued existence. It details four funding options for the Legislature and governor and notes that student tuition "would not by itself raise enough money in 1983-84 to restore the Community Colleges' support budgets even to their prior year level."

Governor Deukmejian's Environmental Record: The First Seven Months, Planning and Conservation League, 1228 N Street, Suite 33, Sacramento 95814. August 1983. 28 pp. The PCL's analysis of the governor's environmental policies results in an overall grade of "D+."

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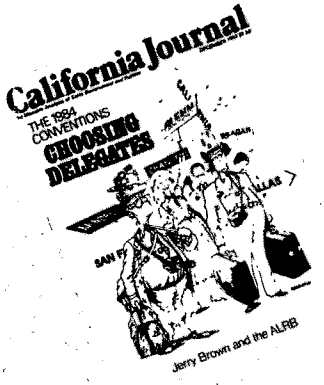

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Perspective from WASHINGTON

By Leo Rennert

When Hollywood calls

While official Washington's attention was riveted on Lebanon and Grenada, President Reagan managed to find time to deal with a home-state mini-crisis — a big-bucks battle between Hollywood producers and the three major networks for control of television show reruns. At stake were $800 million in annual receipts from repeat showings of such popular series as MASH. With the federal government set to change the regulatory ground rules, both sides mounted heavily financed lobbying campaigns and threw their best talent into the fray. The fighting raged on Capitol Hill, in the executive branch and before the Federal Communications Commission. When the showdown came, however, ABC, NBC and CBS were no match against the former actor in the Oval Office who unashamedly sided with old friends and tipped the scales in favor of Tinseltown.

AT ISSUE WAS a 13-year-old FCC rule that bars the networks from acquiring ownership and re-run syndication rights in shows they commission from studios and independent producers. The original intent was to prevent network domination of the television industry — commercially and artistically. By giving producers control over the lucrative re-run market (MASH repeats alone will gross $250 million), the FCC hoped they would have sufficient financial clout to launch innovative programs — without being under the thumb of network moguls in New York. In recent years, however, the commission began to have second thoughts. The networks argued that their once-feared monopoly was crumbling as a result of rapid growth of independent TV stations and new technology — cable TV, direct satellite broadcasts and home video casettes. There were so many other market outlets for Hollywood shows, they contended, that it no longer made sense to give producers special regulatory protection.

The FCC agreed and moved to dismantle its 1970 rule. Reagan appointees at Commerce and in the anti-trust division of the Justice Department gave their blessing. Yanking away Hollywood's security blanket seemed to fit perfectly with the president's ideological bias in favor of deregulation and free-market competition. The networks appeared on the verge of scoring a major victory.

Hollywood, however, also had some big guns — particularly on Capitol Hill. Last December, West Los Angeles Democrat Henry Waxman launched a counter-attack by introducing legislation to block any change in the FCC's old policy. He mobilized California's big congressional delegation and quickly picked up bipartisan support. The delegation, despite its impressive numbers, often makes a poor showing in defending home-state interests. But there are two notable exceptions — the wine industry and Hollywood. Each has worked hard to develop a winning formula to get action from California's lawmakers. Hollywood also has a couple of special advantages. It's a fount of major campaign contributions, and it can supply big-name stars to add pizzaz to a congressional hearing or to bedazzle a wavering congressman. Disney Studios began working the Republican side while Lew Wasserman, a major contributor to Democratic causes, lobbied the other side of the aisle. Alan Alda, Hal Linden, Mary Tyler Moore and other celebrities became shock-troops in a lobbying army camouflaged as the Committee for Product Deregulation. Larry Hagman (J.R. of "Dallas"), cowboy hat and all, lunched with the Texas delegation and patrolled Capitol Hill fund-raisers.

The New York delegation, the networks' special support anchor, was no match for these California-led forces. Television producers managed to convert many lawmakers to the view that, even with new technology, they were still at the short end of a David-and-Goliath mismatch. Legislators concerned with rising TV sex and violence responded sympathetically when Hollywood writers blamed network pressures for more gore on the tube. The networks countered that their financial participation in re-runs could help small producers and foster more competition. In typical congressional lobbying style, each side professed to be the friend of the little guy, while masking its own self-interest. Wall Street analysts viewed the legislative tug-of-war as a classic battle between financial titans — with few, if any, public-interest implications.

In the House, the Appropriations Committee — with West Sacramento Democrat Vic Fazio and San Bernardino Republican Jerry Lewis leading the way — approved a moratorium on any FCC changes. On the other side of Capitol Hill, California's junior senator, Pete Wilson, picked up support for a six-month postponement. For Wilson, this was a major legislative coup and an opportunity to cut into the traditionally Democratic-dominated turf of Hollywood campaign money.

All these exertions, however, might have counted for little had Reagan not intervened personally. "The president certainly was helpful," said Waxman. "We started off far behind; now we're definitely ahead." According to insiders, Hollywood friends and California associates managed to get word to the president that his own administration was about to deliver a body blow to the industry that nurtured him to stardom. Charlton Heston and Nancy Reynolds, a Washington lobbyist and long-time friend of the Reagans, are credited with sounding the right alarms at the White House. In a series of surprising moves, Reagan summoned FCC Chairman Mark Fowler to "brief" him on the dispute, ordered a cabinet-level review and finally turned the administration's position around by calling for a two-year moratorium on modification or repeal of the FCC's pro-Hollywood rule.

THE NETWORKS, left to snatch defeat from the jaws of victory, were dismayed. In Congress, partisans on both sides of the issue were startled that Reagan would take time out from pressing world events to side so forcefully with Hollywood. A House subcommittee began an investigation to determine if the president had improperly muscled the FCC, which is supposed to be an independent regulatory agency. Senator Barry Goldwater of Arizona, who chaired hearings on the FCC rule, was shocked when Reagan told him what he was about to do. "I told him he was crazier than hell," Goldwater recalled.

Reagan's decision, made public by presidential counselor Ed Meese in a letter to Wilson, did more than put the networks on the ropes. It also spotlighted a familiar Reagan trait — the ability to suppress long-held convictions (in this instance a passionate dislike of heavy-handed government regulations) whenever it jolly well suits him.

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